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Agenda item 143

# REPORT OF THE SECRETARY-GENERAL ON THE ACTIVITIES OF THE OFFICE OF INTERNAL OVERSIGHT SERVICES

## Letter dated 23 October 1997 from the Secretary-General addressed to the Chairman of the Fifth Committee

During discussions in the Fifth Committee under agenda item 141 at the fifty-first session of the General Assembly, questions were raised about certain aspects of General Assembly resolution 48/218 B of 29 July 1994, in particular with regard to the role which the legislative bodies play in receiving and discussing reports about the activities of the Office of Internal Oversight Services.

The Under-Secretary-General for Internal Oversight Services brought to my attention the views expressed by a number of delegations with respect to which I sought the advice of the Legal Counsel in order to share it with the members of the Fifth Committee.

The attached memorandum by the Legal Counsel contains the legal advice which I have the honour to transmit to the Fifth Committee through you for information. I trust that the legal advice will clarify matters, and thus prove helpful for the ongoing work of the Fifth Committee.

(Signed) Kofi A. ANNAN

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ANNEX

Fifth Committee debate on the interpretation of General Assembly resolution 48/218 B

Memorandum dated 9 October 1997 from the Legal Counsel addressed to the Chef de Cabinet

1. This refers to your note of 22 September 1997 transmitting a copy of a memorandum of 12 September 1997 from Mr. Paschke to the Secretary-General and requesting our advice concerning the interpretation of General Assembly resolution 48/218 B in which the Assembly established the Office of Internal Oversight Services and in particular, with respect to the implementation of recommendations of OIOS pursuant to the resolution.

2. Mr. Paschke has indicated, in his 12 September 1997 memorandum, that there is a disagreement among delegations in the Fifth Committee concerning interpretation by OIOS of General Assembly resolution 48/218 B. Mr. Paschke has indicated that in his view, individual oversight reports produced by OIOS during the current work period and the OIOS annual report which covered the period from 1 July 1995 to 30 June 1996, are "made available" or "transmitted" to the legislative bodies "mainly for information and not for approval of OIOS recommendations described therein, [and therefore] implementation of the recommendations need not be delayed until some form of approval by the General Assembly is obtained". However, with respect to the report of the Secretary-General on "Enhancing the internal oversight mechanisms in operational funds and programmes" (A/51/801) dated 20 February 1997, Mr. Paschke has indicated that it has been prepared in accordance with the detailed instructions for its preparation and submission contained in resolution 48/218 B and "has been transmitted by the Secretary-General to the General Assembly for consideration and, hopefully, an approving decision which would then enable the separately administered funds and programmes, in cooperation with OIOS, to implement the recommendations for enhancing internal oversight" (emphasis added). Mr. Paschke seeks advice on the above issues.

Executive summary

3. With respect to recommendations contained in individual OIOS reports, it seems clear from the language of paragraph 5 (c) (v) of resolution 48/218 B that recommendations are to be submitted to programme managers for implementation and the General Assembly is to be subsequently informed of the actions taken in response thereto. Similarly, as the OIOS annual report provides a comprehensive overview of the work of OIOS during the reporting period, including a summary of recommendations made in the individual OIOS reports which are submitted to programme managers for implementations of the recommendations, it seems clear that the annual report is transmitted to the General Assembly for information purposes. With respect to the report of the Secretary-General on "Enhancing the internal oversight mechanisms in operational funds and programmes" (A/51/801) dated 20 February 1997, it would appear that, to the extent that existing authority is sufficient for the operational funds and programmes to implement particular recommendations set out in that report, the governing bodies of those

funds and programmes may reasonably decide to implement those recommendations, prior to any approval or endorsement of any recommendations by the General Assembly.

Analysis

Individual OIOS reports

4. OIOS was established by the General Assembly "under the authority of the Secretary-General" to assist him "in fulfilling his internal oversight responsibilities in respect of the resources and staff of the Organization". With respect to the implementation of OIOS recommendations and reporting procedures, paragraph 5 (c) (v) of resolution 48/218 B provides that:

> "a. Following the completion of any audits, inspections or investigations undertaken by the Office pursuant to its mandate, as defined by the present resolution, the Office shall submit the reports on such work to the programme managers concerned, in accordance with procedures for transmittal, approval of recommendations and the resolution of disputes to be established by the Secretary-General;"

Those procedures were established by the Secretary-General in Secretary-General's bulletin ST/SGB/273 of 7 September 1994, which provides, inter alia, that:

> "[t]he programme managers concerned shall have an opportunity to consider, evaluate and respond to such reports on a timely basis as determined by the Office ... The Under-Secretary-General for Internal Oversight Services shall report to the Secretary-General for final decision those recommendations with which the programme managers concerned do not agree. ... The programme managers shall ensure prompt compliance with final recommendations and report to the Office, on a quarterly basis, on the status of implementation" (see paras. 20-22).

5. Paragraph 5 (c) (v) of resolution 48/218 B further provides that:

> "b. The Office shall report to the Secretary-General as and when necessary but at least twice yearly on the implementation of recommendations addressed to the programme managers in accordance with the procedures referred to above; [emphasis added]
>
> "c. The Secretary-General shall facilitate the prompt and effective implementation of the approved recommendations of the Office and inform the General Assembly of actions taken in response thereto;" [emphasis added]

6. Thus, it seems clear from the language of paragraph 5 (c) (v) of the resolution and Secretary-General's bulletin ST/SGB/273 that individual reports of OIOS are transmitted to programme managers for implementation of the recommendations contained therein and the General Assembly is subsequently informed of the actions taken by the programme managers in response to those

recommendations. We understand that this interpretation is consistent with the current practice.

OIOS annual report

7. Issuance of the OIOS annual report is required under paragraph 5 (e) (ii) of resolution 48/218 B, in which the General Assembly provides that OIOS "shall also submit to the Secretary-General for transmittal as received to the Assembly, together with separate comments the Secretary-General deems appropriate, an annual analytical and summary report on its activities for the year". Paragraph 28 of Secretary-General's bulletin ST/SGB/273 sets out eight categories of information to be included in the annual report, including a description of all final recommendations for corrective action made by the Office during the reporting period and recommendations in previous reports on which corrective action has not been completed. As the annual report provides, inter alia, a comprehensive overview of the work of OIOS during the reporting period, including a summary of recommendations made in the individual OIOS reports which are submitted to programme managers for implementations of the recommendations, it seems clear that the annual report is transmitted to the General Assembly for reporting purposes.

Report on "Enhancing the internal oversight mechanisms in operational funds and programmes"

8. The responsibilities of OIOS "extend[s] to the resources and staff of the Organization, which includes separately administered organs" (ST/SGB/273, para. 1, emphasis added). In this regard, in paragraph 11 of its resolution 48/218 B the General Assembly requested the Secretary-General to submit to the General Assembly, "following consultations with the executive boards of the United Nations operational funds and programmes, a detailed report containing recommendations on the implementation of the present resolution as it pertains to the internal oversight functions of such funds and programmes, including methods by which the Office of Internal Oversight Services could assist such funds and programmes in enhancing their internal oversight mechanisms". In addition, paragraph 6 of Secretary-General's bulletin ST/SGB/273 provides that in fulfilling its responsibilities in respect of separately administered organs, OIOS "shall develop mechanisms for enhancing internal oversight, as provided in paragraph 11 of General Assembly resolution 48/218 B".

9. Pursuant to paragraph 11 of resolution 48/218 B, a Secretary-General's report on "Enhancing the internal oversight mechanisms in operational funds and programmes" (A/51/801) dated 20 February 1997 ("report") was prepared by OIOS, at the request of the Secretary-General, and submitted to the General Assembly (see para. 1 of the report). The report covered "operational funds and programmes" listed in paragraph 6 therein and made eight recommendations concerning the way in which the internal oversight services of the operational funds and programmes should operate, while noting that those recommendations were made without prejudice to the independent authority of OIOS under resolution 48/218 B to fulfil its responsibilities (see para. 2 of the report).

10. In summary, the eight recommendations provide that, inter alia, the OIOS guidelines on programme monitoring and evaluation should be embraced as a

minimum required and implemented by those funds and programmes (recommendation 1); consideration should be given to forming separate inspection units in the larger funds and programmes (recommendation 2); there was a lack of investigations function in most of the funds and programmes and this issue should be addressed through the creation of an investigations unit within the operational funds and programmes or with the assistance of the OIOS Investigations Unit in which case resources must be allocated from the funds and programmes to the budget of Investigations Unit (recommendation 3); cooperation among oversight units should be formalized and regularized (recommendation 4); a mechanism should be developed in the funds and programmes for continually monitoring the implementation of the recommendations (recommendation 5); reporting procedures should follow similar lines as those established for OIOS (recommendation 6); the OIOS annual report should be complemented with a report which contains summary records on internal oversight issues of each operational fund and programme (recommendation 7); and OIOS should have the authority to seek and obtain any relevant information from the internal oversight entities or the concerned executive heads (recommendation 8). It is noted that the recommendations in the report "have been drafted with a view towards enabling the Assembly to formulate a policy to be implemented by the governing bodies of the funds and programmes in question with regard to their oversight functions" (see para. 2 of the report).

11. In examining the recommendations set out in the report, it would appear to us that while some of the recommendations, for example recommendations 7 and 8, may require the approval of the General Assembly or additional authority to implement, there may be sufficient authority under the existing legislation of the operational funds and programmes to implement other recommendations, for example recommendation 5. However, the issue as to which recommendations may require the Assembly's approval raises the question concerning the authority of the operational funds and programmes, which is beyond the scope of this opinion. Moreover, even where it is determined that such authorities exist, the decision whether to proceed to implement such recommendations prior to consideration of the proposals by the General Assembly rests with each operational fund or programme.

12. Thus, with respect to those recommendations which the operational funds and programmes have authority to implement, it would appear that the governing bodies of those funds and programmes may reasonably decide that they should be implemented. In this regard, it is noted in paragraph 5 of the report that:

> "[w]hile the present report was being prepared, several funds and programmes took measures to enhance their internal oversight services by establishing new, or restructuring their existing internal oversight functions, or by initiating a closer cooperation with the Office. For example, the Governing Council of UNEP, in its decision 18/46 of 25 May 1995, expressed its desire to work closely with the Office and requested the Executive Director to formulate and enact, in consultation with the Office, a specific plan of action to prevent waste, fraud and mismanagement. The Secretary-General welcomes these developments as they confirm that funds and programmes have recognized the necessity to strengthen their internal oversight functions."

While the approval or endorsement of the recommendations by the Assembly would, of course, facilitate the implementation of the recommendations set out in the report, insofar as a recommendation appears to call for actions which can be taken by the operational funds and programmes under the existing authority, they could be implemented prior to any approval or endorsement by the Assembly. Such a course of action, while not mandated, would appear to be consistent with the purpose of enhancing internal oversight functions of the operational funds and programmes and the intent of General Assembly resolution 48/218 B.

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# FINANCING OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR GENOCIDE AND OTHER SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF RWANDA AND RWANDAN CITIZENS RESPONSIBLE FOR GENOCIDE AND OTHER SUCH VIOLATIONS COMMITTED IN THE TERRITORY OF NEIGHBOURING STATES BETWEEN 1 JANUARY AND 31 DECEMBER 1994

Report of the Secretary-General

SUMMARY

In accordance with General Assembly resolution 51/215 B of 13 June 1997, the present report contains the 1998 resource requirements of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994.

The report details the requirements of the Tribunal to enable it to fulfil its mandate effectively. The resources requested for the period from 1 January to 31 December 1998 amount to $52,856,400 net ($58,993,700 gross) and reflect an increase of $16,881,600 net and an additional 167 posts over the 1997 appropriation and authorized staffing level.

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# I. OVERVIEW

1. The terms of reference of the International Criminal Tribunal were established by the Security Council in its resolution 955 (1994) of 8 November 1994. The Statute of the Tribunal, adopted by the Security Council in the same resolution, provides in article 10 that the Tribunal shall consist of three organs, namely the Chambers, the Prosecutor and a Registry. The activities for which the Tribunal is responsible also appear in the Statute.

2. In its resolution 51/215 B of 13 June 1997, the General Assembly decided to appropriate to the Special Account for the International Criminal Tribunal for Rwanda a total of $18,402,500 gross ($15,103,700 net) for the period from 1 July to 31 December 1997, in addition to the amount of $23,114,950 gross ($20,871,100 net) already appropriated for the period from 1 January to 30 June 1997 under Assembly resolution 51/215 A of 18 December 1996. The total appropriation for 1997 amounted to $41,517,450 gross ($35,974,800 net).

3. The resource level requested in the present report takes into account a number of developments in 1997 that will affect operations in 1998. In that respect, it is anticipated that 1998 will be the first year of the Tribunal's normal operations, which will indicate what the pace of work will be like in the future. Two courtrooms are expected to be in full operation before the end of 1997, which means that both Trial Chambers will be able to hold court proceedings simultaneously, thereby doubling the judicial output for the year. The new prosecutorial strategy developed in mid-1997 will be fully implemented. The Prosecutor will already have submitted many issues to the Court as regards the change in strategy, i.e., use of sealed indictments, broad sweeps of areas harbouring suspected persons, close cooperation with national law enforcement agencies, joinder of individual cases and indictment of several individuals on the same charges. She will, therefore, be able to prepare the work of her office accordingly. The physical premises of the courtrooms will be completed and ready for a full court calendar. Judicial appeals by either the prosecution or the defence, which will become a reality as soon as the first decisions are taken by the Trial Chambers, will introduce a new dimension.

4. The demands on support services will increase owing to the complexity of logistics and the number and frequency of proceedings. The physical conditions will impose severe limitations on the Registry's capacity to support proceedings unless an appropriate level of resources is available. There are, however, several factors which could have a serious impact in this regard. These relate to the number of trials of defendants who will be tried in joinder, the number of witnesses that may be produced by the defence, the actual number and variety of persons in detention at the United Nations Detention Facility, the number of defence lawyers and the size and composition of each defence team and the appearance in court of notable targets of the Tribunal referred to as "big fish".

5. By comparison, operations in 1997 were simpler: defendants in each case never exceeded two, the number of witnesses was limited by the fact that only prosecutorial arguments were heard during the year, the number and types of detainees became less homogenous during 1997 but was still manageable and the

defence lawyers, though growing in number, did not emerge as an area of significant activity with the clear potential for related costs running out of control.

6. The resource levels of all the units directly or indirectly supporting each of these activities in the Registry are proposed for increased funding in 1998. The resource levels of the Chambers and the Office of the Prosecutor would not grow as much, by comparison with the Registry. Requirements of the Registry indicate that some provisions were underfunded in 1997.

7. Extrabudgetary resources are also taken into account. The relative underutilization of the Trust Fund has come to an end. The programming for 1998 envisages increased support from this source, particularly for witnesses and victims support. After the return of all but seven of the gratis personnel to their Governments in August 1997, the Tribunal is reviewing the experience. None of the remaining gratis personnel currently have terms which would carry them into 1998. Use of such resources will be governed by the provisions of General Assembly resolution 51/243 of 15 September 1997.

8. Only the functions of two of the existing gratis personnel are proposed for conversion to temporary posts. Meanwhile, the projected reduction of almost all gratis personnel in 1998 has been a motivation to redouble the Tribunal's efforts in 1997 to fill all the available posts in the Office of the Prosecutor.

9. The overall level of resources proposed for the Tribunal for 1998 amounts to $58,993,700 gross ($52,856,400 net), reflecting a growth of $16,881,600 net (46.9 per cent) compared with the 1997 appropriation. The overall level of post requirements, as indicated in table 1 below, reflects, inter alia, the proposed establishment of 165 new temporary posts, the conversion of two gratis positions to temporary posts, and the reclassification of six posts. Necessary details and justifications are contained in annex IV. The overall level of resources also includes growth in most expenditure groups, and is reflective of the scope and magnitude of the operations required of the Tribunal to fulfil its mandate as soon as possible, as requested by the General Assembly.

10. The estimated percentage distribution of the total resources of the Tribunal in 1998 would be as follows:

| | Assessed budget | Extrabudgetary |
|---|---|---|
| | (Percentage) | |
| Chambers | 4.1 | 0.0 |
| Office of the Prosecutor | 27.6 | 27.1 |
| Registry | 68.4 | 72.9 |
| Total | 100.0 | 100.0 |

Table 1. Summary of requirements

(Thousands of United States dollars)

(1) Assessed budget

| | (a) 1996 expenditures | (b) 1997 appropriation | (c) 1998 estimates | (d) Resource change (c) - (b) | (e) Percentage change (d) / (b) |
|---|---|---|---|---|---|
| Expenditure section | 25 823.2 | 41 517.5 | 58 993.7 | 17 476.2 | 42.1 |
| Income section | 1 379.2 | 5 542.7 | 6 137.3 | 594.6 | 10.7 |
| Total (net) | 24 440.0 | 35 974.8 | 52 856.4 | 16 881.6 | 46.9 |

(2) Extrabudgetary resources

| | (a) 1996 expenditures | (b) 1997 appropriation | (c) 1998 estimates | (d) Resource change (c) - (b) | (e) Percentage change (d) / (b) |
|---|---|---|---|---|---|
| Substantive activities | 792.5 | 1 028.7 | 3 408.9 | 2 380.2 | 231.4 |
| Total (1) and (2) (net) | 25 236.5 | 37 003.5 | 56 265.3 | 19 261.8 | 52.1 |

(3) 1998 estimated cost of gratis personnel

| | 1998 estimates |
|---|---|
| Estimated donation from donor Governments/non-United Nations organizations (gross) | 178.0 |
| Estimated programme support income at 13 per cent | 23.1 |

Table 2. Summary of requirements by object of expenditure

(Thousands of United States dollars)

(1) Assessed budget

| | (a) 1996 expenditures | (b) 1997 appropriation | (c) 1998 estimates | (d) Resource change (c) - (b) | (e) Percentage change (d) / (b) |
|---|---|---|---|---|---|
| (a) Expenditures | | | | | |
| Posts (net of staff assessment) | 11 171.7 | 23 462.4 | 38 732.8 | 15 270.4 | 65.1 |
| Other staff costs | 688.8 | 943.1 | 1 827.2 | 884.1 | 93.7 |
| Salaries and allowances of judges (including common costs) | 569.5 | 913.9 | 913.9 | 0.0 | - |
| Consultants and experts | 200.6 | 150.0 | 139.2 | (10.8) | (7.2) |
| Travel | 2 103.5 | 1 512.7 | 1 320.4 | (192.3) | (12.7) |
| Contractual services | 77.4 | 1 575.1 | 4 375.5 | 2 800.4 | 177.8 |
| General operating expenses | 5 697.9 | 1 822.9 | 2 766.6 | 943.7 | 51.8 |
| Hospitality | 6.8 | 4.0 | 4.0 | 0.0 | 0.0 |
| Supplies and materials | 1 007.2 | 996.0 | 988.1 | (7.9) | (0.8) |
| Furniture and equipment | 2 950.7 | 4 594.7 | 1 396.8 | (3 197.9) | (69.6) |
| Construction, alteration, improvements and major maintenance | - | - | 419.6 | 419.6 | - |
| Grants and contributions | - | - | 70.0 | 70.0 | - |
| Staff assessment | 1 379.2 | 5 542.7 | 6 039.6 | 496.9 | 9.0 |
| Total (gross) | 25 853.3 | 41 517.5 | 58 993.7 | 17 476.2 | 42.1 |
| (b) Income | | | | | |
| Staff assessment | 1 379.2 | 5 542.7 | 6 039.6 | 496.9 | 9.0 |
| Other income | - | - | 97.7 | 97.7 | - |
| Total (a) and (b) (net) | 24 474.1 | 35 974.8 | 52 856.4 | 16 881.6 | 46.9 |

(2) Extrabudgetary resources

| | (a) 1996 expenditures | (b) 1997 estimates | (c) 1998 estimates | (d) Resource change (c) - (b) | (e) Percentage change (d) / (b) |
|---|---|---|---|---|---|
| **Expenditures** | | | | | |
| Posts (net of staff assessment) | 173.4 | 598.8 | 1 977.4 | 1 378.6 | 230.2 |
| Other staff costs | 131.6 | 330.0 | 465.5 | 135.5 | 41.1 |
| Consultants and experts | - | 43.7 | - | (43.7) | (100.0) |
| Travel | 2.9 | 54.7 | - | (54.7) | (100.0) |
| General operating expenses | 464.9 | - | 966.0 | 966.0 | - |
| Hospitality | - | 1.5 | - | - | - |
| Supplies and materials | 18.2 | - | - | - | - |
| Furniture and equipment | 1.5 | - | - | - | - |
| Total (net) | 792.5 | 1 028.7 | 3 408.9 | 2 380.2 | 231.4 |
| Total (1) and (2) (net) | 25 266.6 | 37 003.5 | 56 265.3 | 19 261.8 | 52.1 |

Table 3. Post requirements

| | Temporary posts | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | Assessed budget | | Extrabudgetary resources | | Gratis personnel | | Total | |
| | 1997 | 1998[a] | 1997 | 1998 | 1997[b] | 1998 | 1997 | 1998 |
| Professional category and above | | | | | | | | |
| ASG | 1 | 1 | - | - | - | - | 1 | 1 |
| D-2 | 1 | 1 | - | - | - | - | 1 | 1 |
| D-1 | 3 | 4 | - | - | - | - | 3 | 4 |
| P-5 | 13 | 17 | - | - | 2 | - | 15 | 17 |
| P-4 | 46 | 49 | 1 | 2 | 4 | - | 51 | 51 |
| P-3 | 83 | 83 | 5 | 15 | 14 | - | 102 | 98 |
| P-2/1 | 54 | 77 | 2 | 3 | 14 | - | 70 | 80 |
| Total | 201 | 232 | 8 | 20 | 34 | - | 243 | 252 |
| General Service and related categories | | | | | | | | |
| Principal level | 5 | 7 | - | - | - | - | 5 | 7 |
| Other levels | 43 | 93 | - | 3 | - | - | 43 | 96 |
| Field Service | 12 | 14 | - | - | - | - | 12 | 14 |
| Security Service | 48 | 74 | - | - | - | - | 48 | 74 |
| Security Service (Local) | 22 | 40 | - | - | - | - | 22 | 40 |
| Local level | 86 | 124 | 2 | 19 | - | - | 88 | 143 |
| Subtotal | 216 | 352 | 2 | 22 | - | - | 218 | 374 |
| Total | 417 | 584 | 10 | 42 | 34 | - | 461 | 626 |

[a] Includes gratis personnel positions which would be proposed for conversion to temporary posts.

[b] Reflects the actual number of gratis personnel as at 3 April 1997 (General Assembly decision 51/466).

Table 4. Summary of requirements by post status

| | Professional category and above | | | | | | | | General Service and related categories | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | ASG | D-2 | D-1 | P-5 | P-4 | P-3 | P-2/1 | Subtotal | PL | OL | FS | SS | SL | LL | Subtotal | Total |
| (1) Assessed budget | | | | | | | | | | | | | | | | |
| 1997 | 1 | 1 | 3 | 13 | 46 | 83 | 54 | 201 | 5 | 43 | 12 | 48 | 22 | 86 | 216 | 417 |
| New temporary posts | - | - | 1 | 1 | 2 | 2 | 23 | 29 | 2 | 48 | 2 | 26 | 18 | 40 | 136 | 165 |
| Reclassification | - | - | - | 2 | - | (2) | - | - | - | 2 | - | - | - | (2) | - | - |
| Conversion | - | - | - | 1 | 1 | - | - | 2 | - | - | - | - | - | - | - | 2 |
| 1998 | 1 | 1 | 4 | 17 | 49 | 83 | 77 | 232 | 7 | 93 | 14 | 74 | 40 | 124 | 352 | 584 |
| (2) Extrabudgetary | | | | | | | | | | | | | | | | |
| 1997 | - | - | - | - | 1 | 5 | 2 | 8 | - | - | - | - | - | 2 | 2 | 10 |
| New temporary posts | - | - | - | - | 1 | 10 | 1 | 12 | - | 3 | - | - | - | 17 | 20 | 32 |
| 1998 | - | - | - | - | 2 | 15 | 3 | 20 | - | 3 | - | - | - | 19 | 22 | 42 |
| (3) Gratis personnel | | | | | | | | | | | | | | | | |
| 1997 | - | - | - | 2 | 4 | 14 | 32 | 34 | - | - | - | - | - | - | - | 34 |
| Conversion | - | - | - | (1) | (1) | - | - | (2) | - | - | - | - | - | - | - | (2) |
| Abolition | - | - | - | (1) | (3) | (14) | (14) | (32) | - | - | - | - | - | - | - | (32) |
| 1998 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |

## II. RECENT DEVELOPMENTS

11. The major development affecting the work of the Chambers for 1998 is the completion in the third quarter of 1997 of the second courtroom. It is now possible for each Trial Chamber to plan its own court calendar independently and to hold trial proceedings on two separate cases, thereby doubling the judicial output. A related development is the completion in August 1997 of the United Nations Development Fund, which makes it possible to hold additional persons in the custody of the Tribunal to await trial.

12. The completed Facility has 52 cells, 12 of which are reserved for isolation of special cases. At present, the female detainee and the other persons awaiting indictment are housed in the isolation wing. The main block of 40 cells is reserved for accused male detainees who are either on trial or awaiting trial.

13. As at 31 August 1997, 23 persons had been indicted by the Tribunal, of which 14, including one woman, are being held in custody at the Facility. This represents an increase of two persons during 1997, both being the result of a successful operation whereby seven suspects were apprehended and subsequently transferred to Arusha. Three indicted persons are in the custody of two Member States awaiting surrender to the Tribunal, one in the United States of America and two in Cameroon. Negotiations are under way with the Governments of both Member States to ensure a prompt transfer of the detainees to the custody of the Tribunal.

14. Seven additional persons were detained as suspects as a result of the operation referred to in paragraph 13 above. Five of these persons, currently held in the United Nations Detention Facility, are arguing against motions brought by the Office of the Prosecutor to keep them in custody, pending a request for indictment being brought before the Court. This makes a total of 21 persons held at the Facility as of 31 August 1997.

15. The Prosecutor intends to increase the pace of prosecutions by joinder of individual cases and indictment of several individuals on the same charges. If accepted by the Chambers, this strategy would provide speedy trial to the accused and reduce the anticipated waiting time of persons in detention.

16. Taking into account the Prosecutor's change in strategy for joining cases and trying suspects on the basis of conspiracy, the courtroom facilities have been designed to accommodate up to 25 defendants in one courtroom and up to 15 in the second one currently operating. A third courtroom, which has been planned in anticipation of appeals and a full court calendar, will accommodate up to 20. This will require planning for substantial space requirements for use by courtroom participants, including holding cells, conference rooms, office space and recess rooms, all adjacent to the courtrooms.

17. In paragraph 2 of resolution 51/215 B, the General Assembly expressed specific concerns regarding the operations of the Tribunal. It may be recalled that the Office of Internal Oversight Services disclosed shortcomings and deficiencies which were found during its audit in the last quarter of 1996. Since his appointment, the new Registrar has made a sustained effort to ensure

that the deficiencies noted by the Office of Internal Oversight Services are corrected. In September-October 1997, the Office conducted a follow-up review of the implementation of its recommendations, both with regard to the Tribunal and concerning Headquarters support to it. The Office noted that considerable progress had been made in implementing its recommendations. Its report will be transmitted by the Secretary-General to the General Assembly at its fifty-second session.

18. As requested by the General Assembly, the Secretary-General continues to improve arrangements by which the Tribunal receives guidance and assistance from Headquarters. In 1997, the Secretary-General assigned a focal point within the Department of Management who has served the Tribunal in a number of ways, particularly in identifying areas where administrative decisions concerning Tribunal matters may be expedited.

19. The Tribunal also received assistance from Headquarters in the enhancement of its communications system and computerization, as well as with regard to buildings management, procurement and financial and personnel management. In mid-1997, the Field Administration and Logistics Division of the Department of Peacekeeping Operations provided personnel to upgrade the satellite system to simplify communications between Arusha, Kigali and New York, to introduce dedicated telephone and fax lines for sensitive communications and to provide the basis for improvements in the near future. The Information Technology Services Division of the Office of the Central Support Service provided, also in mid-1997, the personnel and software for introducing electronic mail at the Tribunal, while the Procurement and Transportation Division of the same Office assisted the Tribunal in obtaining office automation equipment at a lower cost than anticipated and delivered the order in the third quarter of 1997. Additional assistance has been requested in the areas of training in the use of firearms and evaluation of procurement operations.

20. A report prepared by the Security Coordinator in March 1997 formed the basis for evaluating the measures that could be taken to establish a more secure working and living environment in Kigali. Steps have been taken internally to address the concerns expressed and deficiencies described in that report. One such step was the establishment of improved cooperative arrangements with the host Government. Specific recommendations in the report relating to reducing the number of staff in the city of Kigali and moving the remaining staff to hotels in order to ensure their personal safety have been re-evaluated in the light of the current conditions obtaining in Kigali. After consultation with experienced United Nations officials based there, it was decided that the prevailing conditions did not warrant such steps. A number of improvements in security recommended by the mission dispatched by the Security Coordinator are now being actively implemented.

# III. PROGRAMME OF WORK AND RESOURCE REQUIREMENTS

## A. The Chambers

Table 5. Summary of requirements by object of expenditure

(Thousands of United States dollars)

Assessed budget

| | (a) 1996 expenditures | (b) 1997 appropriation | (c) 1998 estimates | (d) Resource change (c) - (b) | (e) Percentage change (d) / (b) |
|---|---|---|---|---|---|
| (a) Expenditures | | | | | |
| Posts (net of staff assessment) | 215.1 | 990.6 | 1 122.4 | 131.8 | 13.3 |
| Salaries and allowances of judges (including common costs) | 569.5 | 913.9 | 913.9 | – | – |
| Travel | 128.0 | 166.4 | 117.3 | (49.1) | (29.5) |
| Staff assessment | 30.1 | 144.1 | 138.8 | (5.3) | (3.7) |
| Total (gross) | 942.7 | 2 215.0 | 2 292.4 | 77.4 | 3.5 |
| (b) Income | | | | | |
| Staff assessment | 30.1 | 144.1 | 138.8 | (5.3) | (3.7) |
| Total (a) and (b) (net) | 912.6 | 2 070.9 | 2 153.6 | 82.7 | 4.0 |

Table 6. Post requirements

| | Temporary posts | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | Assessed budget | | Extrabudgetary resources | | Gratis personnel | | Total | |
| | 1997 | 1998 | 1997 | 1998 | 1997 | 1998 | 1997 | 1998 |
| Professional category and above | | | | | | | | |
| P-2/1 | 6 | 7 | – | – | – | – | 6 | 7 |
| General Service category | | | | | | | | |
| Other level | 6 | 6 | – | – | – | – | 6 | 6 |
| Total | 12 | 13 | – | – | – | – | 12 | 13 |

21. The Chambers is the judicial organ of the Tribunal and is composed of 11 judges, 6 serving in the Trial Chambers and 5 in the Appeals Chamber. The jurisdiction of the Tribunal extends to persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and to Rwandan citizens responsible for such violations in the territory of neighbouring States between 1 January and 31 December 1994. During 1997, the first non-Rwandan was apprehended, as was also the first woman ever to be indicted by the Tribunal.

22. The judges of the Trial Chambers were elected in June 1995 and have been ruling on motions brought by the Prosecutor since early 1996. The judges serve for a period of four years following election by the General Assembly and are eligible for re-election. They are assigned by the President to the Trial Chamber in which they serve.

23. Under the Statute of the Tribunal, the members of the Appeals Chamber of the International Tribunal for the Former Yugoslavia also serve as the members of the Appeals Chamber of the International Criminal Tribunal for Rwanda.

24. At the plenary session held from 2 to 5 June 1997, in addition to the re-election of the President and the Vice-President of the Tribunal, the judges also amended the Rules of Procedure and Evidence. The most significant change was to rule 40 bis, to the effect that the 30-day limitation on the provisional detention of a suspect begins to run only after the suspect enters the United Nations Detention Facility at Arusha. The judges also amended rule 6(B) to change the way that amendments to the Rules of Procedure and Evidence can be adopted. In this instance, they agreed that the Rules may be revised provided that the revision is approved unanimously by any appropriate means, including written confirmation. In effect, judges may amend the Rules at any time without having to meet in plenary.

25. Although the judges held only one plenary session in 1997, it is anticipated that there will be two plenary meetings, both to be held in Arusha, in 1998. The dates of the meetings for 1998 will be determined in due course.

26. In addition to motions and other hearings, the court calendar involving trial proceedings on three cases allowed for 92 days of trial sessions from 9 January to 31 August 1997. The court calendar planned for the remaining quarter of the year envisages resumption of two ongoing trials on 29 September and resumption of the third on 22 October 1997.

27. With two courtrooms fully operational in 1998, the Chambers will hear arguments on six trial cases. Given that the progress on trial cases can be unpredictable, the calendar for 1997 does not make provision for opening any new cases. It is therefore projected that decisions on the three ongoing cases will be handed down in 1998 and three additional cases could start during the year.

28. In view of the progress achieved in the three cases currently before the Chambers, the possibility of appeals being lodged and heard in 1998 must be considered. The need for the third courtroom is now evident, if disruption of the court calendars is to be avoided. Accordingly, plans to construct the third

courtroom are now under way with a view to finishing the facilities before court sessions resume in early 1998.

29. The President presents the annual report of the Tribunal, as adopted at the plenary session, to the Security Council and the General Assembly. Under the Rules of Procedure and Evidence, the President may also report to the Security Council instances of non-compliance by Member States relating to formal requests for deferral or reasoned orders to discontinue proceedings of national courts for the same crimes against persons already tried by the Tribunal.

30. In addition, the judges, particularly the President, may be invited to attend international meetings to represent the Tribunal or to receive visiting dignitaries to the headquarters of the Tribunal.

Activities

31. During 1998, the following activities will be undertaken:

(a) Trial Chambers: initial appearances, pre-trial motions, status conferences, interlocutory appeals, trials, sentencing procedures, appeals, rule 61 hearings and deferrals;

(b) Other judicial activities: review and confirmation of indictments, warrants and orders not assigned to Trial Chambers;

(c) Report of the President to the Security Council and the General Assembly, special reports to the Security Council, as necessary;

(d) Technical and sales publications:

(i) Rules of Procedure and Evidence;

(ii) Rules of Detention;

(iii) Basic documents;

(iv) Yearbook;

(e) Publication of opinions, decisions and judgements of trial proceedings: the Trial Chambers are responsible for supervising the legal research and the preparation of legal documents for issuance in both working languages of the Tribunal.

32. The performance indicators would be as follows:

| Performance indicators: Chambers | 1997 | 1998 |
|---|---|---|
| Trials | 3 | 6 |
| Appeals (full and interlocutory) | - | 3 |
| Court days | 224 | 600 |
| Plenary days | 5 | 10 |

Resource requirements (at current rates)

Posts

33. The estimated requirements of $1,122,400 represent the salaries and common staff costs for the continuation of six P-2 posts for legal assistants and six General Service (Other level) posts for bilingual secretaries, and the creation of a new P-2 post for a Special Assistant to the President of the Chambers. Justification for the post is provided in paragraph 1 of annex IV. Resource growth ($131,800 net) reflects the increase of one P-2 post and the effect of the application of new standard rates. The estimated annual full cost of the new temporary post would amount to $93,900 net ($105,300 gross).

Salaries and allowances of judges

34. The estimated requirements amounting to $913,900 break down as follows:

(a) Annual salary for each of the six judges at $145,000;

(b) Special allowance of $15,000 per annum for the President;

(c) A special allowance for the Vice-President of $94 for each day that he acts as President, up to a maximum of $9,400 per annum;

(d) A provision of $19,500 in connection with the entitlements to education grant of the judges concerned.

Travel

35. The estimate of $117,300 would provide for the following travel:

(a) Travel of the President to New York for consultations and to present his annual report to the General Assembly and the Security Council ($10,500);

(b) Travel of the Appeals Chamber to Arusha to hear three cases ($56,600);

(c) Travel of judges from The Hague to attend two plenary sessions during the year ($37,800);

(d) Travel of judges or legal assistants to represent the Tribunal at special meetings or seminars ($12,400).

Staff assessment

36. Staff assessment is estimated at $138,800.

## B. Office of the Prosecutor

Table 7. Summary of requirements by object of expenditure

(Thousands of United States dollars)

1. Assessed budget

| | (a) 1996 expenditures | (b) 1997 appropriation | (c) 1998 estimates | (d) Resource change (c) - (b) | (e) Percentage change (d) / (b) |
|---|---|---|---|---|---|
| (a) Expenditure | | | | | |
| Posts (net of staff assessment) | 5 624.8 | 10 405.9 | 13 709.5 | 3 303.6 | 31.7 |
| Consultants and experts | 44.9 | 150.0 | 139.2 | (10.8) | (7.2) |
| Travel | 1 456.4 | 593.8 | 719.4 | 125.6 | 21.2 |
| Contractual services | 75.0 | - | - | - | - |
| Staff assessment | 788.4 | 2 289.1 | 2 298.1 | 9.0 | 0.4 |
| Total (gross) | 7 989.5 | 13 438.8 | 16 866.2 | 3 427.4 | 25.5 |
| (b) Income | | | | | |
| Staff assessment | 788.4 | 2 289.1 | 2 298.1 | 9.0 | 0.4 |
| Total (a) and (b) (net) | 7 201.1 | 11 149.7 | 14 568.1 | 3 418.4 | 30.7 |

2. Extrabudgetary resources

| | (a) 1996 expenditures | (b) 1997 estimates | (c) 1998 estimates | (d) Resource change (c) - (b) | (e) Percentage change (d) / (b) |
|---|---|---|---|---|---|
| Expenditure | | | | | |
| Temporary posts | 128.0 | 185.4 | 923.6 | 738.2 | 377.0 |
| Other staff costs | – | 6.0 | – | (6.0) | (100.0) |
| Consultants and experts | – | 43.7 | – | (43.7) | (100.0) |
| Travel | 2.9 | 54.7 | – | (54.7) | (100.0) |
| Hospitality | – | 1.5 | – | (1.5) | (100.0) |
| Total (net) | 130.9 | 291.3 | 923.6 | 632.3 | 217.1 |
| Total (1) and (2) (net) | 7 332.0 | 11 441.0 | 15 491.7 | 4 050.7 | 35.4 |

Table 8. Post requirements

| | Temporary posts | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | Assessed budget | | Extrabudgetary resources | | Gratis personnel | | Total | |
| | 1997 | 1998[a] | 1997 | 1998 | 1997[b] | 1998 | 1997 | 1998 |
| Professional category and above | | | | | | | | |
| D-2 | 1 | 1 | – | – | – | – | 1 | 1 |
| D-1 | 1 | 2 | – | – | – | – | 1 | 2 |
| P-5 | 8 | 9 | – | – | 1 | – | 9 | 9 |
| P-4 | 27 | 29 | – | 1 | 4 | – | 31 | 30 |
| P-3 | 40 | 40 | 3 | 12 | 14 | – | 57 | 52 |
| P-2/1 | 35 | 35 | – | 1 | 14 | – | 49 | 36 |
| Subtotal | 112 | 116 | 3 | 14 | 33 | – | 148 | 130 |
| General Service category | | | | | | | | |
| Principal level | 1 | 1 | – | – | – | – | 1 | 1 |
| Other level | 18 | 20 | – | – | – | – | 18 | 20 |
| Subtotal | 19 | 21 | – | – | – | – | 19 | 21 |
| Total | 131 | 137 | 3 | 14 | 33 | – | 167 | 151 |

[a] Includes 131 continuing temporary posts, 5 proposed new temporary posts, conversion of 1 gratis position to a temporary post and a reclassification from P-3 to P-4.

[b] Reflects the actual number of gratis personnel as at 3 April 1997 (General Assembly decision 51/466).

37. The Office of the Prosecutor is the organ of the Tribunal charged with the responsibility for investigating and prosecuting persons responsible for the crimes as defined in articles 2, 3 and 4 of the Statute. The Prosecutor for the International Tribunal for the Former Yugoslavia also serves as the Prosecutor for the International Criminal Tribunal for Rwanda.

38. The Prosecutor is accordingly based at The Hague and conducts the business of the International Criminal Tribunal for Rwanda with the staff of the Office at Kigali, which is headed by the Deputy Prosecutor for the Tribunal. As the highest ranking official at Kigali, he is responsible for maintaining relations with the host Government. He also heads the Office of the Prosecutor at Kigali for day-to-day management and coordination.

39. The Office of the Prosecutor at Kigali has been reorganized by the Deputy Prosecutor, who came on board in May 1997. The Office now consists of the Prosecution Section and the Investigations Section, both supported by the Information and Evidence Support Unit. For 1998, the Prosecution Section will be made larger by consolidation with the Legal Advisory Unit and by the redeployment of the Team Legal Advisers from the Investigations Section to consolidate resources for trial support. More importantly, the reporting lines for lawyers will be streamlined and made more effective with the proposed creation of the post of Chief of Prosecutions.

40. Developments in 1997 that will impact on the 1998 operations of the Office of the Prosecutor have already been mentioned. These include the new strategy of the Prosecutor, which aims to target suspects holding positions of authority either de facto or de jure in all the sectors of Rwandan society. This requires a new organization of the Office to ensure that all areas are covered and that the respective units are working with proper coordination.

41. In addition, as ongoing trials reach conclusion, there will be a need in 1998 to begin dealing with appeals, a legal specialty which calls for a different level of expertise. This form of advocacy requires expertise capable of arguing complex points of law. It is essential that, in preparation for appeals, the Prosecutor have independent legal opinions on the positions taken during trial. Arguments presented to the Appeals Chamber in respect of cases for the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda must be consistent, or else, the Prosecutor must be able to justify the differences to the satisfaction of the Court. In this context, it is proposed to establish an Appeals Unit in the immediate Office of the Prosecutor at The Hague.

42. The experience gained in the arrest of suspects in July 1997 will be assessed for possible use of the same tactics, namely, the use of sealed indictments, broad sweeps of areas harbouring suspected persons, close cooperation with national law enforcement agencies, and state of the art communications and office support. This experience will be important if the Office of the Prosecutor intends to utilize the same tactics in the future.

Activities

43. The activities of the Office of the Prosecutor in 1998 will be as follows:

(a) Substantive activities

(i) Investigations

a. In the light of the applicable Rules of Procedure and Evidence, investigations are conducted with due regard for the rights of the accused;

b. In the conduct of investigations, the Prosecutor may question suspects, victims and witnesses and record their statements, collect evidence and conduct on-site investigations;

c. The Office undertakes other necessary measures for completing investigations, including special measures for the protection of witnesses and informants and may request the assistance of any State authority concerned or INTERPOL and request such orders as may be necessary from a Trial Chamber or a judge;

(ii) Prosecutions

a. Pre-trial procedures brought by the Prosecutor before a Trial Chamber or a judge include orders and warrants, which involve summonses, subpoenas, warrants of arrest and transfer orders;

b. Once a person is indicted, the Prosecutor attends initial appearances and status conferences, initiates preliminary motions or responds to preliminary motions from the defence, and determines what evidential material may be disclosed under rule 66 of the Rules of Procedure and Evidence;

c. Prosecution of trials is undertaken in accordance with part six of the Rules, with due care that appearances by prosecution witnesses requiring anonymity are accorded every measure to that end;

(b) Support activities. Support to investigators and prosecuting attorneys involves custody of evidential matters collected by investigators, archiving of the materials and maintenance of a database on evidence in order to support the investigators and prosecuting attorneys when the same evidential matters are needed for further work.

44. The performance indicators would be as follows:

| Investigation | 1997 | 1998 |
|---|---|---|
| Number and status of investigations | 70 | 90 |
| Investigations resulting in public indictments | 15 | 25 |
| Missions | 485 | 500 |
| Witnesses interviewed | 500 | 500 |
| Statements obtained | 215 | 300 |

| Prosecution | 1997 | 1998 |
|---|---|---|
| Motions/applications/responses | 76 | 130 |
| Trials under preparation | 11 | 6 |
| Trials being prosecuted | 3 | 6 |
| Trials completed | – | 5 |
| Verdicts | – | 3 |
| Appeals | – | 3 |

Resource requirements

Posts

45. The estimated requirements in the amount of $13,709,500 represent the total cost of 131 continuing temporary posts and reflect a resource growth of $3,303,600 resulting from the net effect of the application of new standard rates, the delayed impact of eight newly established posts in 1997, the establishment of five new posts (1 D-1 Chief of Prosecutions, 1 P-5 Senior Appeals Counsel, 1 P-3 press aide and 2 General Service (Other level) posts for a bilingual secretary and an evidence custodian), the conversion of one gratis personnel position to a new temporary post at the P-4 level as the Chief of the Evidence and Information Support Unit and the reclassification of an existing post from the P-3 to the P-4 level. The arrangement for the other 32 gratis staff will be allowed to lapse no later than the end of 1997. The estimated full annual cost of the new temporary posts would amount to $652,500 net ($774,900 gross). Details of requests and justifications for posts are provided in paragraphs 2 to 13 of annex IV to the present report.

Consultants and experts

46. The estimate of $139,200 is requested under this heading for the services of expert witnesses to appear for the prosecution before the Court. Expert

witnesses are specialists in their field and are called on by the Prosecutor to give expert testimony before the Tribunal in relation to such matters as the general historical, political and military context of the conflict in Rwanda. The estimate, based on six trials in 1998, provides for an average of five expert witnesses testifying for approximately seven days per trial for six trials, at a fee of $200/day ($42,000), plus travel expenses ($97,200).

Travel

47. Resources of $719,400 would provide for the following:

(a) Travel for investigations ($610,500). This amount is intended for travel of investigation teams within Rwanda, to neighbouring countries and to Europe, North America and the Middle East. Within Rwanda, a team, comprising two to three investigators accompanied by a translator, a driver and one or two international security officers, usually travels for a period of three to four days. For travel outside Rwanda, two investigators are required each time to question witnesses and suspects residing abroad. Owing to the security situation within Rwanda, travel has been subject to some restrictions for investigative work in the country. However, the Prosecutor intends to intensify the investigations outside Rwanda. The requested resources provide for 50 trips within Rwanda and 60 trips outside the country;

(b) Travel of the Prosecutor, the Deputy Prosecutor and other staff of the Office of the Prosecutor ($108,900). The travel of the Prosecutor on behalf of the Tribunal relates to representational travel with government officials, at seminars and other meetings. Travel to Arusha and Kigali includes the Prosecutor's participation in the plenary session, and consultations with the judges and her senior staff. The Deputy Prosecutor is required to consult often with the Prosecutor and to undertake special missions in support of the work of the Tribunal. His travel to New York relates to budget reviews. He will travel to high-level governmental meetings in order to obtain agreements concerning cooperation with Governments. Investigators and members of prosecuting teams travel to Arusha to attend court proceedings for limited periods of time.

Staff assessment

48. Staff assessment costs for the proposed staffing table of the Office of the Prosecutor are estimated at $2,292,400.

Summary of new posts by functional title

| | Professional and higher categories | | | | | | General Service | |
|---|---|---|---|---|---|---|---|---|
| | D-1 | P-5 | P-4 | P-3 | P-2 | Sub-total | GSO | Total |
| **Office of the Prosecutor** | | | | | | | | |
| (a) Proposed new temporary and reclassified posts | | | | | | | | |
| Office of the Prosecutor and Deputy Prosecutor | | | | | | | | |
| Senior Appeal Counsel | - | 1 | - | - | - | 1 | - | 1 |
| Policy Coordinator | - | - | 1 | (1) | - | 0 | - | 0 |
| Press aide | - | - | - | 1 | - | 1 | - | 1 |
| Bilingual secretary | - | - | - | - | - | - | 1 | 1 |
| Prosecution Section | | | | | | | | |
| Chief of Prosecution Section | 1 | - | - | - | - | 1 | - | 1 |
| Information and Evidence Support Section | - | - | - | - | - | - | - | - |
| Evidence custodian | - | - | - | - | - | - | 1 | 1 |
| Total proposed new temporary and reclassified posts | 1 | 1 | 1 | 0 | - | 3 | 2 | 5 |
| (b) Gratis position proposed for conversion to temporary posts | | | | | | | | |
| Information and Evidence Support Unit | | | | | | | | |
| Chief of Unit | - | - | 1 | - | - | 1 | - | 1 |
| (c) Extrabudgetary posts | | | | | | | | |
| Investigations - Forensic Unit | | | | | | | | |
| Crime Scene Examiner | - | - | - | 1 | - | 1 | - | 1 |
| Investigations - Crime Analyst Unit | | | | | | | | |
| Crime Analysts | - | - | - | 6 | 1 | 7 | - | 7 |
| Investigations Teams | | | | | | | | |
| Investigators | - | - | - | 2 | - | 2 | - | 2 |
| Legal Advisory Group | | | | | | | | |
| Legal Adviser | - | - | 1 | - | - | 1 | - | 1 |
| Total proposed extrabudgetary posts | - | - | 1 | 9 | 1 | 11 | - | 11 |

## C. The Registry

Table 9. Summary of requirements by object of expenditure

(Thousands of United States dollars)

(1) Assessed budget

| | (a) 1996 expenditures | (b) 1997 appropriation | (c) 1998 estimates | (d) Resource change (c) - (b) | (e) Percentage change (d) / (b) |
|---|---|---|---|---|---|
| (a) Expenditure | | | | | |
| Posts (net of staff assessment) | 5 331.8 | 12 065.9 | 23 900.9 | 11 835.0 | 98.1 |
| Other staff costs | 688.8 | 943.1 | 1 827.2 | 884.1 | 93.7 |
| Consultants and experts | 155.7 | - | - | - | - |
| Travel | 519.1 | 752.5 | 483.7 | (268.8) | (35.7) |
| Contractual services | 2.4 | 1 575.1 | 4 375.5 | 2 800.4 | 177.8 |
| General operating expenses | 5 697.9 | 1 822.9 | 2 766.6 | 943.7 | 51.8 |
| Hospitality | 6.8 | 4.0 | 4.0 | 0.0 | 0.0 |
| Supplies and materials | 1 007.2 | 996.0 | 988.1 | (7.9) | (0.8) |
| Furniture and equipment | 2 950.7 | 4 594.7 | 1 396.8 | (3 197.9) | (69.6) |
| Construction, alteration, improvements and major maintenance | - | - | 419.6 | 419.6 | - |
| Grants and contributions | - | - | 70.0 | 70.0 | - |
| Staff assessment | 560.7 | 3 109.5 | 3 602.7 | 493.2 | 15.9 |
| Total (gross) | 16 921.1 | 25 863.7 | 39 835.1 | 13 971.4 | 54.0 |
| (b) Income | | | | | |
| Staff assessment | 560.7 | 3 109.5 | 3 602.7 | 493.2 | 15.9 |
| Other income | - | - | 97.7 | 97.7 | - |
| Total (a) and (b) (net) | 16 360.4 | 22 754.2 | 36 134.7 | 13 380.5 | 58.8 |

(2) Extrabudgetary resources

| | (a) 1996 expenditures | (b) 1997 estimates | (c) 1998 estimates | (d) Resource change (c) - (b) | (e) Percentage change (d) / (b) |
|---|---|---|---|---|---|
| Expenditure | | | | | |
| Posts (net of staff assessment) | 45.4 | 413.4 | 1 053.8 | 640.4 | 154.9 |
| Other staff costs | 131.6 | 324.0 | 465.5 | 141.5 | 43.7 |
| General operating expenses | 464.9 | - | 966.0 | 966.0 | - |
| Supplies and materials | 18.2 | - | - | - | - |
| Furniture and equipment | 1.5 | - | - | - | - |
| Total (net) | 661.6 | 737.4 | 2 485.3 | 1 747.9 | 237.0 |
| Grand total (1) and (2) (net) | 17 022.0 | 23 491.6 | 38 620.0 | 15 128.4 | 64.4 |

Table 10. Post requirements

| | Temporary posts | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | Assessed budget | | Extrabudgetary resources | | Gratis personnel | | Total | |
| | 1997 | 1998[a] | 1997 | 1998 | 1997[b] | 1998 | 1997 | 1998 |
| Professional category and above | | | | | | | | |
| ASG | 1 | 1 | - | - | - | - | 1 | 1 |
| D-1 | 2 | 2 | - | - | - | - | 2 | 2 |
| P-5 | 5 | 8 | - | - | 1 | - | 6 | 8 |
| P-4 | 19 | 20 | 1 | 1 | - | - | 20 | 21 |
| P-3 | 43 | 43 | 2 | 3 | - | - | 45 | 46 |
| P-2/1 | 13 | 35 | 2 | 2 | - | - | 15 | 37 |
| Subtotal | 83 | 109 | 5 | 6 | 1 | - | 89 | 115 |
| General Service and related categories | | | | | | | | |
| General Service (Principal level) | 4 | 6 | - | - | - | - | 4 | 6 |
| General Service (Other levels) | 19 | 67 | - | 3 | - | - | 19 | 70 |
| Field Service | 12 | 14 | - | - | - | - | 12 | 14 |
| Security Service | 48 | 74 | - | - | - | - | 48 | 74 |
| Security (Local level) | 22 | 40 | - | - | - | - | 22 | 40 |
| Local level | 86 | 124 | 2 | 19 | - | - | 88 | 143 |
| Subtotal | 191 | 325 | 2 | 22 | - | - | 193 | 347 |
| Total | 274 | 434 | 7 | 28 | 1 | - | 282 | 462 |

[a] Includes 274 continuing temporary posts, 159 new temporary posts, 1 gratis personnel position being proposed for conversion to a temporary post and 5 reclassifications.

[b] Reflects the actual number of gratis personnel positions as at 3 April 1997 (General Assembly decision 51/466).

49. The Registry is one of the three constituent organs of the Tribunal. The functions of the Registry fall under two main areas of responsibility, namely, judicial and legal services and administrative and financial support. The overall work programme of the Registry is coordinated by the Office of the Registrar. A public information programme is undertaken by the Press and

Information Section, which is headed by the Spokesperson for the Tribunal, who reports directly to the Registrar.

50. To support the work of the Chambers and the Prosecutor, the Registry has units located at Arusha headquarters, where court proceedings take place, and at Kigali. The Registry in Arusha consists mainly of the staff of the Judicial and Legal Services Division and the Division of Administrative Services.

51. The former provides support directly to court proceedings, detained persons and their lawyers, victims and witnesses. In the case of witnesses, the Registry is responsible for assisting witnesses for both the defence and the prosecution, to attend safely the proceedings at Arusha.

52. The emphasis in 1998 is to improve the servicing of court proceedings by bringing to bear all the resources of the Registry in areas where initiatives will yield significant improvements. The major change in support of judicial proceedings was the installation of the second courtroom during the third quarter of 1997 in order to provide the capacity to hold more trials during the 1998 calendar year. Given the Prosecutor's new strategy, courtroom design enables the Chambers to schedule trials of significant numbers of defendants, up to 15 in one chamber and up to 25 in the other. Plans to build a third courtroom are part of the original plan to renovate the premises leased by the Tribunal at the Arusha International Conference Centre. Subject to successful negotiation with the landlord for additional space at the Centre, the third courtroom, which is expected to be ready in early 1998, would provide the capability to try up to 20 accused persons.

53. Plans are also under way to enhance courtroom operations with an integrated video recording system. Courtroom proceedings will be videotaped at all the courtrooms and transmitted via monitors to participants, members of the public viewing the proceedings in the public gallery and the press. Proceedings will be made available to media journalists covering the Tribunal at Arusha by means of a press feed to be located in a press room, which will connect to recording devices of media journalists. Scrambling devices on voice and video channels will ensure the anonymity of protected witnesses from both the press and the public. This will make it possible to disseminate easily the courtroom proceedings in early 1998 without risk to protected witnesses.

54. The physical premises of the Tribunal require immediate attention, with some implications for the budget in 1998. The Arusha International Conference Centre, which houses the headquarters of the Tribunal, is inadequate for the activities of the Tribunal and requires further renovation. The project for renovating the office space has been temporarily put on hold, pending the conclusion of negotiations with the management of the Centre for additional space. Currently, the Tribunal leases three floors in the Kilimanjaro wing of the complex, in addition to the mezzanine and ground floor adjoining Simba Hall in the conference centre. The emphasis placed during 1997 on the construction of courtroom facilities has greatly reduced the space available in these floors for offices, training rooms, meeting rooms, a clinic, workshops and staff facilities. It is essential that the Tribunal be allowed to move into the remaining four floors of the Kilimanjaro wing. Alternatively, other premises will have to be found on an urgent basis.

55. As regards the premises in Kigali, the Tribunal leases two properties that were formerly held by the United Nations Assistance Mission in Rwanda (UNAMIR). The offices are housed in the Amohoro building, which was a hotel prior to the crisis in Rwanda. Some offices, workshops and inventory are kept in the old UNAMIR communications compound, which is roughly 15 minutes away by vehicle from the Amohoro building. The Amohoro building and the furniture in it are dilapidated and in need of extensive repair. In addition, the premises are not proper office space and cause day-to-day inefficiency as a result. The property of the communications compound is only 40 per cent utilized, although it is leased in its entirety by the Tribunal. The landlord is now requesting an increase in rent of roughly $2,000 per month. For purposes of economy and efficiency, the consolidation of the Tribunal's staff and property into one location appears reasonable.

56. The Tribunal has been considering leasing a new building, which is under construction, not far from the present premises at Amohoro. The building, which is near completion, provides the potential for relieving the overcrowded conditions presently found at Amohoro. It is designed to be used as an office building and would make it possible to consolidate the present operations into one property. Given the fact that the seat of the Tribunal is in Arusha, it is essential to keep the people of Rwanda abreast of the activities of the Tribunal. In this connection, an exhibit hall for a permanent exhibit on the work of the Tribunal could be established in the ground floor of the new building. Facilities could be provided for receiving transmissions of live courtroom proceedings from Arusha so that Rwandan citizens could view proceedings in their own capital city.

57. The third location of the Tribunal is the United Nations Detention Facility. Although the original project has been completed, the Facility is in need of improvements and additions. The security arrangements need to be strengthened by, inter alia, a higher perimeter wall. Structures to foil an airlift rescue by helicopter would go a long way towards ensuring that the facility is impregnable to surprise attempts to rescue the detainees. A perimeter fence to foil escape attempts from within needs to be built in the event that a detainee breaches the perimeter wall. Given the potential for more persons to be detained, construction of an additional 20 cells will be started immediately. In addition, conference booths for lawyer/client conferences need to be erected and other improvements made for the streamlining of operations within the Facility. Based on the agreement with the host Government, further construction or improvement of the premises would be carried out under the supervision of the Tribunal in cooperation with the Government, which would provide labour at the site.

58. Administratively, the Tribunal has received, effective 1 October 1997, a limited delegation of authority in human resources management to enable it to expedite most of the work related to this area. Modalities for oversight are in place in order to gauge the performance of the Tribunal's administration in this regard. An evaluation of this delegation will be conducted in October 1998, on the basis of which the proposed level of delegation will be revised.

59. In 1998 the Tribunal will take on additional functions in the areas of finance and accounting, including processing of the payroll and other

entitlements for international staff and consolidating all finance and accounting functions at Arusha so that financial statements and financial information can be provided on a more timely basis to management.

60. The work planned in this regard is not different from the work already processed at the International Tribunal for the Former Yugoslavia in both areas of administration. Both, however, would entail an increase in the Tribunal's workload in 1998. Appropriate provisions to support those new functions will be required.

61. Another development in administration during 1997 was the delegation of authority to the Administrative Services Section in Kigali in order to enable the Registry to respond flexibly and quickly to the needs of the Office of the Prosecutor. The objective is that the office should be able to function semi-autonomously, that is, be capable of dealing with daily operations without the frequent support of Arusha. The Section is now responsible for recruitment of local staff, acquisition of supplies, making all arrangements for travel of Kigali-based staff and settlement of claims in connection with official travel, and has limited authority to enter into commitments with local vendors and make payments. It is expected that this delegation of authority, which will be kept under review for further refinements, will form the basis for smoother operations in 1998 at Kigali.

Activities

62. During the fiscal year 1998, the following activities will be undertaken:

(a) Substantive activities

(i) Press and Information Section. Providing a coordinated public information programme through a Spokesperson with activities at four offices: Arusha, Kigali, Nairobi and The Hague. The work involves publicizing positions of the Tribunal and the latest developments, arranging media interviews for the high-level officials of the Tribunal, issuing press releases and publishing a quarterly newsletter in the region for missions, non-governmental organizations and host Governments;

(ii) Court Management Services Section. Providing administrative support in preparation for and during court proceedings for the Prosecutor, the defence and the Chambers to ensure efficient and smooth operation of the court proceedings; prepares in consultation with the Prosecutor, Defence Counsels and the Chambers, the judicial calendar for court proceedings; maintaining archives of judicial documents; giving effect to directives from the Chambers to the Registry during court proceedings; and attending to correspondence from Defence Counsels, the accused, suspects and the Prosecutor concerning court proceedings and related matters;

(iii) Lawyers and Detention Facility Management Section

a. Defence Counsel. Maintaining roster lawyers for Defence Counsel, assigning Defence Counsel to indigent detainees on the basis of consultations with the accused, briefing new Counsel and other defence team members on the rules of the Tribunal and assessing compliance with the Directive on Assignment of Defence Counsel for all claims regarding fees and expenses in respect of defence team members;

b. Detention. Responding to requests of the International Committee of the Red Cross (ICRC) for ad hoc inspections of the United Nations Detention Facility in order to determine the suitability of the conditions of detention as required, accrediting persons authorized to visit detainees at the Facility and evaluating legal issues relating to conditions of detention which emerge in daily communications with detainees, Counsel and other visitors;

(iv) Witnesses and Victims Support. Planning and executing field operations to transport prosecution and defence witnesses to Arusha for providing testimony at court proceedings; operating safe houses in Arusha and Kigali for overnight stays of witnesses; and providing support services to witnesses during their stays at Arusha during court proceedings as required, i.e., security escort, travel documents and expenses, clothing, insurance, restitution of lost earnings, relocation, repatriation, accompanying support person, local shelter and transport, replacement guards or farm help, 24-hour guard and case workers;

(v) General Legal Services and Chambers Support Section

a. Assisting the judges in the preparation of judicial documents and ensuring appropriate support services from the Registry, including translation of documents, decisions to motions filed by the parties, confirmation of indictments, warrants of arrest, orders for the extension of provisional arrest of suspects, orders for transfer (surrender) of persons detained on behalf of the Tribunal and judgements rendered by the Chambers. The average number of documents prepared for the judges is three per week;

b. Legal research. Supervising the preparation of legal briefs or memoranda to the judges and providing legal counsel to the Registrar;

c. Legal agreements. Interpretation of the host country agreement, developing strategies for building relations with third countries or international organizations and developing agreements to ensure equitable and effective measures in respect of reimbursement, construction and operation of the United Nations Detention Facility;

d. Parliamentary documentation. Annual report and yearbook;

e. Operation of the Legal Library of the Tribunal at Arusha;

(b) Administrative support services

(i) Personnel services

a. As a result of the delegation of authority granted to the Tribunal in human resources management, recruitment, placement and promotion of staff in the Professional category and above up to the D-1 level, which will involve the servicing of the appointment and promotion bodies at the Tribunal;

b. Enhancing the conditions of service by establishing a clinic at Arusha for servicing staff who fall ill and a training unit to provide induction orientation courses to new staff, language courses and computer literacy training to upgrade the skills of staff, as well as specialized training seminars for Professional staff, including management skills and other supporting specialized occupational groups, such as investigators and lawyers;

c. On a continuing basis, recruitment of local personnel and provision of other personnel services to staff of the Tribunal;

(ii) Financial services

a. Approval of obligations, disbursements to vendors and settlement of staff claims;

b. Operation of a new finance and accounting system modelled after the system at the United Nations Office at Nairobi; take-over of the international payroll so as to consolidate all recording of expenditure at Arusha and improve on the completeness and timeliness of monthly financial statements to management in Arusha; and the payment of all entitlement and allowances from the unified payroll/finance operations;

c. Difficulties experienced in 1997 with the local bank concerning availability of demand deposits to meet the Tribunal's disbursement requirements will lead to re-evaluation of the banking relationship in 1998;

(iii) General services

a. Continuing to provide services in the areas of travel, shipments in connection with appointment and repatriation of staff, visas and laissez-passers, inventory and property management, transport, buildings management, communications and electronic data-processing/management information system (EDP/MIS);

b. Changes in the organization of General Services Section involve: incorporation of Procurement into the overall General Services

group; merging of Communications and EDP/MIS to ensure better coordination in those two areas; and merging of the construction/physical improvements activities at the United Nations Detention Facility with the Buildings Management Service in order to provide better supervision of operations at the United Nations Detention Facility;

c. Installation of a reproduction unit at Arusha in order to provide a central facility for heavy jobs;

d. Establishment of a property survey board;

(iv) Security services

a. Providing security for the premises and property of the Tribunal at two duty stations, which will be expanded during 1998;

b. As a result of consolidating the Tribunal's premises at Kigali into one location, monitoring a larger property with more entrances;

c. Providing security during transportation and protection of an increasing number of witnesses and witnesses with special needs, as well as a larger number of safe houses, the transportation of larger numbers of detainees to the courtrooms;

(v) Language and conference services

a. Providing services in the two languages of the Tribunal, English and French, and in Kinyarwanda in the following situations: sequential interpretation of witnesses testimony, and transcription and translation of original evidence relating to tapes and documents gathered by investigators;

b. Addressing the backlog of more than 400 tapes of radio broadcasts, which need to be transcribed in Kinyarwanda and translated into English and French;

c. Introducing, subject to proper development or recruitment of language staff, simultaneous interpretation in Kinyarwanda at court proceedings.

63. The performance indicators would be as follows:

| | 1997 | 1998 |
|---|---|---|
| Press and information | | |
| Media representatives on distribution list | 220 | 230 |
| Press releases issued | 65 | 65 |
| Phone queries/document requests - press | 600 | 650 |
| Phone queries/document requests - public | 660 | 690 |
| Arranged visits by universities, other groups | 25 | 35 |
| Court management | | |
| Court sessions | 224 | 600 |
| Court transcripts pages | 10 090 | 20 180 |
| Documents processed | 1 400 | 2 800 |
| Lawyers and Detention Facility management | | |
| Number of legal counsel | 26 | 45 |
| Additional defence team members | 8 | 25 |
| Highest number of detainees | 21 | 30 |
| Witness and victims support | | |
| Witnesses | 109 | 330 |
| Witness support days | 1 360 | 4 158 |
| Witnesses with additional protective measures | 51 | 257 |
| Relocation requests | 5 | 20 |
| Witnesses with additional support needs | 31 | 33 |
| Safe houses | 2 | 3 |
| General legal services and Chambers support | | |
| Judicial decisions (in English and French) | 60 | 100 |
| Warrants of arrest (English and French) | 10 | 15 |
| Confirmation of indictments (English and French) | 10 | 15 |
| Legal briefs and memos | 25 | 35 |
| Preparation of plenary sessions | 1 | 2 |

| | 1997 | 1998 |
|---|---|---|
| Annual report | 1 | 1 |
| Yearbook | 1 (1994-1996) | 1 |
| Personnel services | | |
| Staffing table | 417 | 584 |
| Other personnel | 300 | 367 |
| Applications received/screened | 1 600 | 2 000 |
| Special service agreements | 15 | 25 |
| Offers of appointment | N/A | 30 |
| Short-term contracts | 40 | 50 |
| Budget and finance services | | |
| Number of staff on payroll: | | |
| Local staff | 200 | 270 |
| International staff (local portion of salary) | 210 | 439 |
| Monthly financial statements | N/A | 12 |
| Claims (travel, etc.) | $2 000 000 | $3 000 000 |
| Other disbursements | $6 400 000 | $7 000 000 |
| Expenditure | $35 000 000 | $51 000 000 |
| General services | | |
| Buildings management | | |
| Work orders completed | 36 | 50 |
| Major projects | 4 | 2 |
| Registry fax/pouch/mail | | |
| Incoming mail | 21 800 | 30 500 |
| Outgoing mail | 16 500 | 40 000 |
| Confidential pieces* | 800 | - |
| Reproduction requests | 400 000 | 1 500 000 |

* The installation of fax lines in specific offices, i.e. the Chambers, the Deputy Prosecutor, the Registrar, the Chief of Administration, the Chiefs of Investigations and Prosecutions, will reduce drastically the number of confidential pieces handled by the Registry.

| | 1997 | 1998 |
|---|---|---|
| Visa applications/residence permits | 200 | 400 |
| Air operations | | |
| Number of flights | 270 | 300 |
| Number of passengers | 1 600 | 1 800 |
| Number of pieces: pouch, cargo, luggage | 1 400 | 1 500 |
| Receiving and inspection reports | 925 | 1 000 |
| Inventory | 4/yr | 4/yr |
| Travel | | |
| Authorizations | 800 | 1 000 |
| Invoices | 450 | 500 |
| Procurement | | |
| Purchase orders raised | 415 | 415 |
| Contracts signed | 10 | 15 |
| Local contracts committee cases | 31 | 30 |
| Headquarters Committee on Contracts cases | 10 | 10 |
| Security services | | |
| Average number of patrols and posts covered daily | 15 | 70 |
| Staff identification cards issued | 600 | 1 000 |
| Visitors' passes issued | 540 | 800 |
| Officers covering courtrooms and accused | 2 | 24 |
| Officers covering the United Nations Detention Facility | 6 | 12 |
| Communications and EDP/MIS | | |
| Local area networks supported | 2 | 4 |
| Local area network connections | 60 | 300 |
| Help desk calls | 4 800 | 10 000 |
| Help desk calls/support person | 3 840 | 6 500 |
| Help desk - computers in situ | 3 170 | 4 000 |
| Audio/video court sessions supported | 299 | 600 |
| Communications phone extensions | 500 | 600 |

| | 1997 | 1998 |
|---|---|---|
| Support requests | 3 300 | 4 500 |
| Outgoing faxes | 33 228 | 48 000 |
| Incoming faxes | 17 289 | 26 000 |
| Transport | | |
| Number of fuel coupons | 3 000 | 3 400 |
| Vehicle maintenance and repair work orders | 440 | 500 |
| Trip tickets | 4 500 | 6 000 |
| Units of vehicle spare parts issued | 300 | 900 |
| Language and conference services | | |
| Translation pages | 5 500 | 8 000 |
| Court interpreter sessions | 180 | 230 |

## Resource requirements

### Posts

64. The estimated requirements of $23,900,900 would provide for the continuation of 274 temporary posts and reflect a resource growth of $11,835,000 net, representing the combined effects of the application of new standard rates, provision for the establishment of 159 new temporary posts, the conversion of one gratis personnel position to a new temporary post and the reclassification of five posts. A detailed explanation and justification for the posts are provided in paragraphs 14 to 73 of annex IV to the present report. The increases in the requirements for Registry represent, inter alia, the need to provide posts for staff who are experienced in United Nations rules and regulations. The estimated annual full cost of new temporary posts would amount to $10,075,900 net ($11,394,300 gross).

Summary of new posts by functional title

| | Professional categories and above | | | | | General Service and related categories | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | P-5 | P-4 | P-3 | P-2 | Subtotal | PL | OL | FS | SS | SS/LL | LL | Subtotal | Total |
| Registry | | | | | | | | | | | | | |
| (a) Proposed new temporary and reclassified posts | | | | | | | | | | | | | |
| Office of the Registrar | | | | | | | | | | | | | |
| Special Assistant to the Registrar | - | 1 | - | - | 1 | - | - | - | - | - | - | - | 1 |
| Legal Officer | - | 1 | - | - | 1 | - | - | - | - | - | - | - | 1 |
| Secretaries | - | - | - | - | - | - | 2 | - | - | - | - | 2 | 2 |
| Press and Information Section | | | | | | | | | | | | | |
| Protocol Officer | - | - | 1 | - | 1 | - | - | - | - | - | - | - | 1 |
| Information Officer | - | - | - | 1 | 1 | - | - | - | - | - | - | - | 1 |
| Secretary | - | - | - | - | - | - | 1 | - | - | - | - | 1 | 1 |
| Court Management Services Section | | | | | | | | | | | | | |
| Court stenographers | - | - | - | - | - | - | 16 | - | - | - | - | 16 | 16 |
| Court records assistant | - | - | - | - | - | - | - | - | - | - | 2 | 2 | 2 |
| Witnesses and Victims Support Section | | | | | | | | | | | | | |
| Witness Protection Officer | - | - | - | 1 | 1 | - | - | - | - | - | - | - | 1 |
| Interpreters (Kinyarwanda) | - | - | - | - | - | - | 4 | - | - | - | - | 4 | 4 |
| Security Officers (International) | - | - | - | - | - | - | - | - | 8 | - | - | 8 | 8 |
| Security Officers (Local level) | - | - | - | - | - | - | - | - | - | 5 | - | 5 | 5 |
| Cleaners/cooks/drivers/ helpers | - | - | - | - | - | - | - | - | - | - | 14 | 14 | 14 |
| General Legal Services and Chambers Support Section | | | | | | | | | | | | | |
| Legal Librarian | - | - | - | 1 | 1 | - | - | - | - | - | - | - | 1 |
| Bilingual secretaries | - | - | - | - | - | - | 2 | - | - | - | - | 2 | 2 |

| | Professional categories and above | | | | | General Service and related categories | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | P-5 | P-4 | P-3 | P-2 | Subtotal | PL | OL | FS | SS | SS/LL | LL | Subtotal | Total |
| Personnel Services Section | | | | | | | | | | | | | |
| Nurse | - | - | - | 1 | 1 | - | - | - | - | - | - | - | 1 |
| Personnel assistants | - | - | - | - | - | - | 2 | - | - | - | (2) | 0 | 0 |
| Budget and Finance Services | | | | | | | | | | | | | |
| Budget assistant | - | - | - | - | - | - | 1 | - | - | - | - | 1 | 1 |
| Finance assistant (Cashier) | - | - | - | - | - | - | 1 | - | - | - | - | 1 | 1 |
| Account Assistant (Payroll Unit) | - | - | - | - | - | - | 1 | - | - | - | - | 1 | 1 |
| Account Assistant (General Accounts Unit) | - | - | - | - | - | - | 1 | - | - | - | - | 1 | 1 |
| Account Assistant (System Support) | - | - | - | - | - | - | 1 | - | - | - | - | 1 | 1 |
| General Services Section | | | | | | | | | | | | | |
| Chief of Section | 1 | -1 | - | - | - | - | - | - | - | - | - | - | - |
| Chief of EDP/MIS | - | 1 | -1 | - | 0 | - | - | - | - | - | - | - | 0 |
| System analyst/programmer | - | - | - | 1 | 1 | - | - | - | - | - | - | - | 1 |
| Administrative assistant (travel) | - | - | - | - | - | - | 1 | - | - | - | - | 1 | 1 |
| Administrative assistant (air operations) | - | - | - | - | - | - | 1 | - | - | - | - | 1 | 1 |
| Administrative assistant (R&I) | - | - | - | - | - | - | 1 | - | - | - | - | 1 | 1 |
| Administrative assistant (registry and pouch) | - | - | - | - | - | - | 1 | - | - | - | - | 1 | 1 |
| Administrative assistant (claims and property) | - | - | - | - | - | - | 2 | - | - | - | - | 2 | 2 |
| Computer programme assistant | - | - | - | - | - | - | 1 | - | - | - | - | 1 | 1 |
| LAN administration assistant | - | - | - | - | - | - | 1 | - | - | - | - | 1 | 1 |
| Drivers | - | - | - | - | - | - | - | - | - | - | 12 | 12 | 12 |
| Buildings management personnel | - | - | - | - | - | - | - | - | - | - | 5 | 5 | 5 |
| Sound/audio technicians | - | - | - | - | - | - | - | - | - | - | 3 | 3 | 3 |

| | Professional categories and above | | | | | General Service and related categories | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | P-5 | P-4 | P-3 | P-2 | Subtotal | PL | OL | FS | SS | SS/LL | LL | Subtotal | Total |
| Computer hardware technician | - | - | - | - | - | - | - | - | - | - | 1 | 1 | 1 |
| LAN assistant | - | - | - | - | - | - | - | - | - | - | 1 | 1 | 1 |
| Language and Conference Services Section | | | | | | | | | | | | | |
| Document Control Assistant | - | - | - | - | - | - | 1 | - | - | - | - | 1 | 1 |
| Bilingual typists (English and French) | - | - | - | - | - | - | 3 | - | - | - | - | 3 | 3 |
| Security Services Section | | | | | | | | | | | | | |
| Chief of Section | 1 | -1 | - | - | 0 | - | - | - | - | - | - | - | 0 |
| Security Officers (International) | - | - | - | - | - | - | - | - | 10 | - | - | 10 | 10 |
| Security Officers (Local level) | - | - | - | - | - | - | - | - | - | 13 | - | 13 | 13 |
| Administrative Services - Kigali | | | | | | | | | | | | | |
| Interpreters/Translators (Kinyarwanda) | - | - | - | 17 | 17 | - | - | - | - | - | - | - | 17 |
| Senior personnel assistant | - | - | - | - | - | 1 | - | - | - | - | - | 1 | 1 |
| Senior administrative assistant (Requisition) | - | - | - | - | - | 1 | - | - | - | - | - | 1 | 1 |
| Finance assistant | - | - | - | - | - | - | 1 | - | - | - | - | 1 | 1 |
| Administrative assistant (inventory) | - | - | - | - | - | - | 1 | - | - | - | - | 1 | 1 |
| Administrative assistant (registry) | - | - | - | - | - | - | 1 | - | - | - | - | 1 | 1 |
| EDP assistant | - | - | - | - | - | - | 1 | - | - | - | - | 1 | 1 |
| Transport Officer | - | - | - | - | - | - | - | 1 | - | - | - | 1 | 1 |
| Communications Officer | - | - | - | - | - | - | - | 1 | - | - | - | 1 | 1 |
| Security Officers (international) | - | - | - | - | - | - | - | - | 8 | - | - | 8 | 8 |
| Drivers | - | - | - | - | - | - | - | - | - | - | 2 | 2 | 2 |
| Total | 2 | 1 | 0 | 22 | 25 | 2 | 48 | 2 | 26 | 18 | 38 | 134 | 159 |



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| | Professional categories and above | | | | | General Service and related categories | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | P-5 | P-4 | P-3 | P-2 | Subtotal | PL | OL | FS | SS | SS/LL | LL | Subtotal | Total |
| (b) Gratis positions proposed for conversion to temporary posts | | | | | | | | | | | | | |
| General Legal Services and Chambers Support Section | | | | | | | | | | | | | |
| Chief of Section | 1 | - | - | - | 1 | - | - | - | - | - | - | - | 1 |
| (c) Extrabudgetary posts | | | | | | | | | | | | | |
| Victims and Witnesses Support Section | | | | | | | | | | | | | |
| Witness support assistants | - | - | - | - | - | - | 3 | - | - | - | - | 3 | 3 |
| Security Officers | - | - | - | - | - | - | - | - | - | 5 | - | 5 | 5 |
| Drivers/housekeepers/ cleaners/cooks | - | - | - | - | - | - | - | - | - | - | 12 | 12 | 12 |
| Lawyers and Detention Facility Management Section | | | | | | | | | | | | | |
| Legal Officer | - | - | 1 | - | 1 | - | - | - | - | - | - | - | 1 |
| Total | - | - | 1 | - | 1 | - | 3 | - | - | 5 | 12 | 20 | 21 |

Other staff costs

65. A provision in the amount of $1,827,200 is proposed to cover the following requirements:

(a) General temporary assistance ($1,727,200) is provided for the hiring of additional staff for short assignments to cover unforeseen requirements or peak workload periods, as well as to provide for replacement of staff on annual, sick or maternity leave;

(b) Overtime ($100,000) is required to cover extended hours during peak workload periods.

Travel

66. Resources in the amount of $1,206,700 are requested for:

(a) Travel of the Registrar and other staff of the Registry ($167,200) to Kigali, The Hague, New York, within Africa and to other countries for consultations, meetings and other business, projected at a total of 135 missions;

(b) Travel and allowances of witnesses for both the prosecution and the defence ($298,100). It is anticipated that 330 witnesses, of which 300 are from Rwanda, will travel to Arusha in 1998 for the purposes of hearings and trials;

(c) Travel of the Office of Internal Oversight Services in connection with the audit of the Tribunal is estimated at $18,400.

Contractual services

67. An amount of $4,375,500 is requested for contractual services consisting of the following:

(a) Defence Counsel ($3,400,500). In accordance with the Directive on Assignment of Defence Counsel, the resources requested would provide for counsel to any accused found unable to provide his/her own legal representation (requirements of indigence as defined in article 4 of the Directive). Although the Directive has been amended to provide for two Defence Counsels, that is, one lead Counsel and one Co-Counsel, most defendants for now count only on one Counsel. There are presently 18 lead Counsels representing the defendants, and one defendant is in the process of selecting a lead Counsel, which would mean 19 lead Counsels would be ready to defend clients in 1998. Seven defendants have also selected one Co-Counsel and seven investigators or assistants are now associated with defence teams. Provisions include fees for Defence Counsel, Co-Counsel and their assistants ($2,677,500), their travel expenses and subsistence allowance in connection with court proceedings, initial appearances, motions, status conferences and trials ($484,000), and travel expenses and subsistence allowance in respect of defence investigators ($239,000);

(b) Defence expert witnesses and opinions ($161,200). Provision is requested for the fee and the travel expenses of 25 experts and expert witnesses for the defence;

(c) External printing ($40,000) for the Tribunal Yearbook as well as general printing requirements of the Tribunal;

(d) Contractual security services ($475,800). Under an agreement with the Government of the United Republic of Tanzania, the Tribunal would provide the meals and incidentals to those contractual Security Officers (i.e. police and prison officers) augmenting the Tribunal's regular security contingent at the Arusha International Conference Centre, the United Nations Detention Facility and the judges' residence, as well as for the transfer of prisoners and witnesses ($406,700). An amount of $69,100 is also requested under this heading to provide for a contract with a local security company in Kigali;

(e) Medical consultants ($72,000) for two doctors to provide services at the United Nations Detention Facility and the staff clinic in Arusha, respectively;

(f) External audit fees of $45,500 for the Board of External Auditors;

(g) An amount of $66,500 to provide for auto insurance and contractual services in connection with vehicle repairs owing to road accidents or other unforeseen events;

(h) Contractual translation/revision ($70,000) to increase the capacity for translation by 1,750 pages per year;

(i) An amount of $44,000 relating to the cleaning and laundry of Security Officer uniforms, driver uniforms and United Nations Detention Facility clothes issue.

Hospitality

68. An amount of $4,000 is requested for official hospitality and functions in connection with the plenary sessions and other work of the Tribunal.

General operating expenses

69. The resource requirements of $2,766,600 are broken down below:

(a) Rental and maintenance of premises ($1,465,300) relates to the following:

(i) Resources in the amount of $1,291,300 would provide for the rental of premises at the Arusha International Conference Centre, including space in the Kilimanjaro wing (approximately 7,500 square metres for $405,000), a vehicle workshop and a gasoline station in Arusha ($16,200), two safe houses in Arusha ($55,900) and offices at the new building in Kigali, on the assumption that the Tribunal would rent the entire building (approximately 5,900 square metres for $814,200). The

gasoline station in Arusha would enable the Tribunal to secure tax exemption on the purchase of fuel and lubricants;

(ii) A provision of $150,000 is requested under miscellaneous maintenance services to cover the cost of general maintenance of the facilities at Arusha and Kigali, comprising the office buildings, the detention facility and parking areas;

(iii) A continuing provision for elevator operation and maintenance ($12,000) is requested for the three elevators at the Arusha International Conference Centre, which are used exclusively by Tribunal personnel and detainees;

(iv) Resources in the amount of $12,000 are requested for cleaning materials and services;

(b) Resources amounting to $45,000 are requested for both the Arusha and Kigali offices for electricity and water;

(c) In view of the split locations of the Tribunal's operation between Arusha, Kigali and The Hague, as well as the field work of its investigative staff, effective communications become a crucial element for the Tribunal to implement its programme of work. A provision of $996,300 is requested for communications requirements as follows:

(i) Pouch and courier services ($50,000);

(ii) International mail ($5,000);

(iii) Rental of space segment on Intelsat for communications links ($384,000);

(iv) Official facsimile and telephone calls, including telephone installations, local messaging and satellite access ($300,000);

(v) Various frequency rentals and circuits ($65,000);

(vi) Official facsimile and telephone calls on Inmarsat ($172,300);

(vii) Internet ($20,000);

(d) An amount of $260,000 is requested under miscellaneous services to provide for bank charges ($90,000) in connection with transactions of defence lawyers and the Tribunal's bank accounts, general insurance ($20,000) and the extra freight charges for imported equipment and the services of a freight forwarder ($150,000) to effect clearance, international freight movement and storage and ramp operation, in particular for cargo delivered by sea to Dar es Salaam or Mombasa.

Supplies and materials

70. Resources in the amount of $988,100 would provide for stationery and EDP consumables ($300,000); spare parts and supplies for office and other equipment ($20,000); security and safety supplies, including uniforms ($50,000); audio/video supplies, film and film processing ($30,000); journals, periodicals and library books ($10,000); clothing for detainees and witnesses ($25,000); medical supplies ($10,000); food and ration supplies for detainees ($99,000); and petrol, oils and lubricants ($444,100), of which $265,700 relates to motor vehicles and $178,400 to electrical generators at Arusha and Kigali.

Furniture and equipment

71. Resources in the amount of $1,396,800 are requested to provide for the following:

(a) Office furniture ($100,000) is intended to address the minimum requirements for the new office building in Kigali;

(b) Acquisition of new office automation equipment ($509,300), including desktop computers ($75,000), laptops ($42,000), printers ($87,000), network equipment ($46,300), software packages ($165,000), test and workshop equipment ($10,000) and other miscellaneous EDP equipment ($84,000) to accommodate the larger number of staff requested for 1998;

(c) Acquisition of communications equipment and spare parts ($224,500) including hand-held VHF radios ($16,000) for additional security and technical personnel, Inmarsat telephones for investigation teams in Rwanda ($8,000), rural telephone links with antennas ($25,000), VHF mobile radios ($28,000), facsimile switches for facsimile facilities in offices of senior officials of the Tribunal ($70,000) and expansion of the audio-visual system for the courtrooms and the Press and Information Section ($77,500);

(d) Resources for transport equipment and spare parts, including workshop equipment and tools ($140,000);

(e) Additional office equipment ($348,000) such as photocopiers, facsimile machines, and shredders, both at Arusha and Kigali;

(f) Security and safety equipment, including weapons, ammunitions and uniforms ($75,000).

Construction, alteration, improvements and major maintenance

72. A total provision of $419,600 is requested under this heading for the following purposes:

(a) An estimated requirement of $200,000 is intended to cover additions, improvements or alterations necessary to adapt the additional office space expected from the Arusha International Conference Centre to the requirements of the Tribunal;

(b) Provision of $219,600 involves the cost of supplies and materials necessary for construction of 20 additional cells at the United Nations Detention Facility and improvements to its walls, watchtowers and perimeter fence.

Grants and contributions

73. A provision in the amount of $70,000 is requested in respect of the Tribunal's contribution to the staff and operating costs of the Field Security Office at Kigali established by the United Nations Security Coordinator ($60,000) and the medical clinic at the same duty station ($10,000), both of which are operated by the United Nations Development Programme (UNDP), the designate agency in Rwanda. The resources required represent the prorated cost based on the number of staff of the Tribunal at the duty station.

Staff assessment

74. Staff assessment costs are estimated at $3,602,700.

Income

75. A few other United Nations agencies have shown interest in leasing space in the Kacyiru building, the new complex to be rented by the Tribunal in Kigali. It is anticipated that of the 5,900 square metres of rentable space, one floor comprising 708 square metres would be made available for rental to other United Nations agencies at cost, which currently is estimated at $11.50 per square metre per month. On a purely direct cost basis, this will produce an estimated rental income of $97,700 for the year.

## IV. CONCLUSION

76. On the basis of the proposals detailed in the preceding paragraphs, it is estimated that resources in the amount of $52,856,400 net will be required for the operation of the International Criminal Tribunal for Rwanda for the period from 1 January to 31 December 1998. An additional amount of $6,039,600 would be required for staff assessment, to be offset by income from staff assessment of the same amount.

77. By paragraph 13 of its resolution 49/251 of 20 July 1995, the General Assembly decided to review the mode of financing of the International Criminal Tribunal for Rwanda at its fifty-second session. The Secretary-General believes that experience has demonstrated that the particular mechanism designed in 1995 has served the United Nations well as a method of apportioning the burden of financing. However, the unencumbered balances of the Special Account for UNAMIR have almost been depleted. The available cash balance as at 30 September 1997 amounts to $2,060,700 gross. Under the circumstances, future appropriations would need to be assessed mainly on a current basis, as recourse cannot be had to resources previously appropriated for other purposes. If the Assembly would wish to continue with the current balance of burden-sharing in respect of the cost of the Tribunal, this could be achieved by using the assessment rates applicable to the regular budget for 50 per cent of the total amounts assessable

and providing for the other 50 per cent to be financed by using the assessment rates applicable for financing peacekeeping operations. For 1998, this sharing formula would be applied in two stages by first assessing for 50 per cent of the appropriation at the assessment rates for the regular budget. After that, the other 50 per cent would use the available credits from the budget of UNAMIR, as detailed in annex VI to the present report, and the balance of the assessment would then be based on the scale applicable to peacekeeping operations.

78. It may be noted that these budget proposals on a full cost basis (i.e. using 5 per cent and 2.5 per cent vacancy factors) would require an additional provision of $5,435,000 gross ($4,978,700 net) in the next financial year. On this basis, a full cost budget for the Tribunal, using the proposed 1998 staffing table would amount to $64,428,700 gross ($57,835,100 net).

## Annex I

## Voluntary contributions

1. In its resolution 49/251 of 20 July 1995, the General Assembly invited Member States and other interested parties to make voluntary contributions to the Tribunal both in cash and in the form of services and supplies acceptable to the Secretary-General.

2. To date, cash contributions to the Voluntary Fund amount to $7,389,015. The details are provided in the table below.

| Contributor | Total amount (United States dollars) |
|---|---|
| Belgium | 2 705 450 |
| Canada | 734 850 |
| Chile | 1 000 |
| Denmark | 43 452 |
| Egypt | 1 000 |
| Greece | 20 000 |
| Holy See | 3 000 |
| Ireland | 237 704 |
| Israel | 7 500 |
| Lebanon | 3 000 |
| Netherlands | 2 995 531 |
| New Zealand | 34 792 |
| Norway | 49 983 |
| Spain | 150 000 |
| Sweden | 68 729 |
| Switzerland | 188 024 |
| United Kingdom of Great Britain and Northern Ireland | 95 000 |
| United States of America | 50 000 |
| Total | 7 389 015 |

3. Extrabudgetary resources have been applied to cover limited but urgent requirements in 1996 for the start-up of the Witnesses and Victims Support Section in 1996, the purchase of vehicles for Arusha, the purchase of clothing for witnesses to attend trials and the continuation of activities relating to witnesses and victims support in the first half of 1997 until mid-year, when additional posts were approved in the assessed budget. In addition, the earmarked contributions from the Government of Belgium have been applied since April 1996 to the rental of aircraft for the purpose, inter alia, of facilitating the transport of witnesses from Rwanda to the United Republic of Tanzania. The costs allocated to the Tribunal in respect of the Second Round Table Conference on Crimes of Sexual Violence, held by the Office of the Prosecutor at Arusha from 4 to 6 October 1997, were also financed from the Trust Fund.

4. In 1998, the Office of the Prosecutor intends to utilize the Voluntary Fund to provide 13 additional investigators in the Investigation Section and one lawyer in the Legal Advisory Group of the Prosecution Section. The extrabudgetary resources for the Registry are proposed to be increased to provide for the lease of aircraft in support of witnesses and official travel between Kigali and Arusha; for a number of posts in support of witness protection and support as described in section III of annex IV; and for other activities relating to the same programme and to court proceedings, which are unanticipated in the proposed budget.

5. The other part of voluntary contributions relates to gratis personnel provided by Governments on a non-reimbursable basis. The attached table showing the number of these personnel by nationality indicates that there will be only six of them on board by 31 December 1997. The functions of two of the existing gratis personnel are proposed for conversion to temporary posts. It is estimated that the value of the in-kind contribution from the donation of services of these gratis personnel would amount to $178,000 gross ($150,600 net) in 1998 on the basis of United Nations standard costs. The associated costs of supporting the seconded personnel for the same period would amount to $23,100, based on 13 per cent of the gross income received in relation to the gratis personnel.

Gratis personnel provided by Governments from 1 April to 31 December 1997

| Contributor | Amount (Thousands of United States dollars) | Function | April | May | June | July | August | Sep. | Oct. | Nov. | Dec. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Canada* | 208.1 | Investigator | 6 | 6 | 1 | 1 | - | - | - | - | - |
| Denmark | 243.5 | Legal Adviser/ Officer | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 1 | 1 |
| Germany | 96.1 | Legal Adviser | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Netherlands | 631.5 | Investigator | 15 | 15 | 10 | 9 | 2 | 2 | 2 | 2 | 2 |
| Norway | 82.9 | Investigator | 1 | 1 | 1 | 1 | 1 | - | - | - | - |
| Sweden | 78.1 | Investigator | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| United Kingdom of Great Britain and Northern Ireland | 149.8 | Investigator/ Team Leader | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| United States of America | 26.0 | Investigator/ Legal Officer | 1 | 1 | - | - | - | - | - | - | - |
| United States of America | 110.7 | Investigator | 2 | 2 | 2 | 1 | 1 | 1 | 1 | 1 | - |
| United States of America | 224.0 | Investigator/ Computer Analyst | 4 | 3 | 3 | 3 | 3 | 3 | 3 | - | - |
| Total | 1 850.7 | | 34 | 33 | 22 | 20 | 12 | 11 | 11 | 7 | 6 |

* Funded by a contribution from the Government of the Netherlands.

## Annex II

## Budgetary assumptions

1. The proposals contained in the present report are premised on the assumption that the budget for the Tribunal is prepared on an annual basis, and forecasts of resources required to implement the activities of the Tribunal during a given period are provided by object of expenditure. In compliance with the recommendations of the Advisory Committee on Administrative and Budgetary Questions regarding standardization of budgetary presentation, commencing with the proposals for 1998, the budget will attempt to indicate clearly and adequately the planned outputs and activities of the Tribunal, to be supported by workload statistics, where applicable. The budget presentation, although generally following the format of the common presentation structure of United Nations regular budget, has been modified to reflect the organizational structure of the Tribunal.

2. The budget estimates take into account real resource increases for staff and non-staff resources. Considering that the Tribunal budgets are prepared annually as compared to the regular biennial budget, costs include inflationary provisions experienced to date and are expressed at the United Nations operational rates of exchange of TSh 608:US$1 and RF 296:US$1. The post adjustment multipliers have been projected at 42.3 for the United Republic of Tanzania and 34.9 for Rwanda.

3. The overall budgetary estimates of expenditure for the assessed budget are prepared on the basis of gross salary scales. However, the individual submissions by main organizational units of the budget reflect net salary scales (i.e., gross salary less the applicable staff assessment), a procedure that would allow budgetary comparability with other organizations of the United Nations system. In order to reflect gross expenditure levels, the difference between gross and net emoluments, staff assessment, is shown as a separate item in all expenditure tables. The offset amount is shown under the income section of the budget.

4. With regard to the vacancy rate for 1998, 5 per cent and 2.5 per cent are proposed for continuing posts in the Professional category and above and at the General Service level, respectively, while a rate of 50 per cent for Professional and 35 per cent for General Service are proposed for new posts. In the case of posts converted to accommodate gratis personnel, a provision of 25 per cent of full annual costs has been made to reflect the intention to phase out gratis arrangements and recruit staff during the course of 1998. Further, the budgetary estimates would include information on the estimated annual cost of new temporary posts.

5. In its resolution 50/213 C of 7 June 1996, the General Assembly requested the Secretary-General to report fully on both the receipt and application of extrabudgetary funds when preparing future budget proposals so as to ensure transparency with regard to the use and purpose of such funds. The format of the present document detailing extrabudgetary expenditures for 1996, appropriation for 1997 and related 1998 estimates by programme, together with

information on seconded personnel and cash contributions, seeks to satisfy those requirements.

6. Throughout the report, with regard to support posts in Arusha and Kigali, a differentiation is made between those with international service conditions (General Service (Principal level) and General Service (Other level) categories) and those for which local conditions of service would apply (Local level).

## Annex III

### Response to the recommendations of the Advisory Committee on Administrative and Budgetary Questions (A/51/7/Add.8)

| Paragraph in A/51/7/Add.8 | Recommendation of the Advisory Committee on Administrative and Budgetary Questions | Reply/comment of the Secretariat |
|---|---|---|
| | General | |
| 9 | There is a need to review conditions of service in Kigali and the involvement of the International Civil Service Commission (ICSC). | The issue will be considered at the next session of ICSC in April 1998. |
| 10 | Requests for new posts and other resources should always be fully justified and explained. | All requests and justifications for posts are provided in annex IV to the present report. |
| 11 | The budget submission should include under expenditures the estimated costs of all personnel, including those funded from voluntary contributions in cash or in kind, as well as related support costs. The submission should also contain an income section. | The present report has been formatted to comply with that request. |
| 12 | The format of the budget document should be improved to enhance clarity and transparency. Workload statistics for each unit should be presented in tabular format with qualitative analysis. Budgets of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia should be standardized. | The present report endeavours to respond to all recommendations of the Committee. |
| | The Chambers | |
| 13 | Plenary sessions should not be held at The Hague. | In 1997 only one plenary session was held at Arusha. Future sessions are planned to be held at the seat of the Tribunal. |
| 14 | Hardship allowance is unnecessary under current conditions of service of judges. | The Secretary-General will submit a report on the conditions of service of judges of both Tribunals to the General Assembly for consideration at its fifty-second session. Payment of a hardship allowance to judges is not recommended. |
| 15 | Regulations on travel and subsistence allowance of judges, as in the case of the International Tribunal for the Former Yugoslavia, should be prepared and submitted to the Committee. | The relevant rules and regulations will be submitted as an annex to the above-mentioned report of the Secretary-General. |

| Paragraph in A/51/7/Add.8 | Recommendation of the Advisory Committee on Administrative and Budgetary Questions | Reply/comment of the Secretariat |
|---|---|---|
| | Office of the Prosecutor | |
| 25 | There should be an explanation as to why the document processing centre could not be established in Arusha as originally planned. | In the present report, resources are requested for the creation of a post for an evidence custodian at Arusha for handling all evidence to be presented at the trials. In October 1997 the International Criminal Tribunal for Rwanda requested the assistance of the International Tribunal for the Former Yugoslavia in evaluating the physical requirements of a vault or strong room for evidence. These two initiatives will lead to the establishment of a the processing centre. |
| 28 | Budgetary submissions should contain detailed, justified proposals for travel of investigators. | Justifications for the travel of investigative teams are detailed in paragraph 47 (a) of the main text of the present report. |
| | The Registry | |
| 30 | The policy and operational manual governing the Victims and Witnesses Support Section should be issued immediately. The experience of the International Tribunal for the Former Yugoslavia should be explored. | At a meeting in June 1997, the staff from both Tribunals agreed to write the operational manual. The work was divided into four parts and distributed to two working groups at each Tribunal. When the job is completed, the draft will be submitted to the two Registrars for approval. It is anticipated that the manual will be available by 31 December 1997. |
| 31 | Consideration of 17 new local interpreter posts should be deferred to the 1998 budget. | The interpretation and translator posts are still required because (a) the security situation did not put a freeze on missions within Rwanda, it only restricted the activity, as can be seen from the workload statistics in the main text, and (b) there is a backlog of untranscribed and untranslated material in Kinyarwanda which needs to be addressed urgently. Detailed justifications for 17 interpreter/translator posts at the Professional level are provided in section III of annex IV. |

| Paragraph in A/51/7/Add.8 | Recommendation of the Advisory Committee on Administrative and Budgetary Questions | Reply/comment of the Secretariat |
|---|---|---|
| 32 | A detailed explanation of provision for travel of the Registrar should be provided. All travel requirements need to be substantiated and explained. | Justifications for the travel of the Registrar and other Registry staff are included in section III.C of the main text. Details will be provided to the Committee as supplementary information prior to its consideration of the report. |
| 34 | Guidelines regarding lost income of witnesses should be prepared in line with those developed for the International Tribunal for the Former Yugoslavia. | The guidelines are currently under development by the International Criminal Tribunal for Rwanda in consultation with the International Tribunal for the Former Yugoslavia. They are expected to be completed and approved by the Registrar by 31 October 1997. |
| 37 | The construction of the second courtroom should be completed as soon as possible. | The construction was completed on 28 September 1997. Currently two courtrooms are fully operational. |
| 38 | Information should be provided on arrangements for carrying out sentences and for protecting witnesses, including arrangements made with Governments (see A/51/7/Add.7, para. 36). | In response to the note verbale of the Secretary-General, four Governments have responded favourably, although three of the respondents would not accept persons of another nationality. Efforts by the Registrar and the President, following up on the note verbale, are focused primarily on African States to come forward and assist the Tribunal in providing the appropriate facilities. |

| Paragraph in A/51/7/Add.8 | Recommendation of the Advisory Committee on Administrative and Budgetary Questions | Reply/comment of the Secretariat |
|---|---|---|
| 39 | The lack of electronic data-processing and communications capacity should be addressed. | During the summer of 1997, the Field Administration and Logistics Division contributed on a reimbursable basis the services of an expert to assist the Tribunal in the installation of a larger satellite dish and the Intelsat system. The communications lines of the Tribunal were reorganized between Kigali and Arusha so that the system could be more flexible and responsive. It is anticipated that the number of lines could be increased in the near future with this work being completed. Meanwhile, the Procurement and Transportation Division assisted in the procurement of state-of-the-art office automation equipment for the Tribunal, including an increase of 50 units of laptops to account for the Tribunal's growing staff in 1997 and to meet the new demands of supporting and administering two courtrooms. The Tribunal is reviewing the option of connecting key legal personnel to Internet in order to bring about an enhancement that legal staff have been asking for since 1996. |

Annex IV

Requests and justifications for new posts

I. THE CHAMBERS

1. Under the current structure, the staff of the Chambers consists of the six judges with the support of six Legal Officers (P-2) and six secretaries (General Service (Other level)). A new P-2 post is requested for a Special Assistant to the President to assist in discharging his executive functions, which include, in addition to his judicial functions, maintaining diplomatic contacts, representing the Tribunal at international meetings, reporting to the General Assembly and Security Council on the activities of the Tribunal and monitoring the compliance or non-compliance of States with the orders of the Tribunal.

II. OFFICE OF THE PROSECUTOR

Immediate Office of the Prosecutor

2. The existing staffing of the office consisting of three posts (1 P-3, 1 General Service (Principal level) and 1 General Service (Other level)) is proposed to be augmented by one P-5 post for a Senior Appeals Counsel and one P-3 post for the position of Press Aide for the Prosecutor at the Hague as part of an overall approach to public information activities of the Tribunal. The current P-3 post for the Policy Coordinator is proposed to be reclassified to the P-4 level. The functions of the Coordinator in support of the work of the Prosecutor have been quite broad. The Coordinator is frequently called upon to make contact with high-level representatives of missions, international organizations or non-governmental organizations. Additionally, the Coordinator attends meetings on behalf of the Prosecutor, inter alia, to explain or defend positions taken publicly by the Prosecutor.

3. As a result of the recognized need to establish an infrastructure in which appeals cases will be prepared by the Office, a staff with a specialty in law practice, which the Office does not yet have, will be required in 1998. The establishment of a P-5 post for a Senior Appeals Counsel is accordingly proposed.

4. The Prosecutor is required to make frequent contacts with the press. The additional work in this regard is a drain on the time of the Coordinator, and, accordingly, a new P-3 post is requested to serve as a Press Aide. The incumbent, in addition to handling all the media work for the Prosecutor, will coordinate with the Press and Information Section of the Tribunal at Arusha.

Office of the Deputy Prosecutor at Kigali

5. The Office of the Prosecutor at Kigali is headed by the Deputy Prosecutor, who is responsible for managing the investigation and prosecution programmes. In addition, as the highest ranking Tribunal official in Kigali, he has taken a very active role in improving relations with the host Government and has

succeeded in securing its cooperation in all matters of importance. He also is responsible for representing the Tribunal with the missions of Member States and other organizations relevant to the work of the Office. The incumbent, who was appointed in May 1997, has made a critical appraisal of the operation and began to make changes in 1997 to improve the organization of the Office.

6. Currently the staffing of the Office consists of one D-2 post for the Deputy Prosecutor, one P-4 with responsibility for in-Office matters and external relations with the Government of Rwanda and other organizations, one General Service (Other level) post for secretarial/administrative support. A new General Service (Other level) post for a bilingual secretary is requested for the immediate Office of the Deputy Prosecutor in order to deal with the increased workload.

Prosecution Section

7. The Prosecution Section is responsible for all the legal work carried out by the Office. It is presently composed of 16 Professional posts (4 P-5, 4 P-4, 4 P-3 and 4 P-2) organized into four Prosecution Teams, which are responsible for bringing the cases to trial. Each Team is headed by a Senior Trial Attorney (P-5), and three additional team members (one Co-Counsel at the P-4 level, one Assistant Trial Attorney at the P-3 level and a Case Manager at the P-2 level). Up until 1997, the members of Prosecution Teams, like the Legal Advisory Group, reported directly to the Deputy Prosecutor. Lawyers working with the Investigations Teams reported directly to the Chief of Investigations. The result was poor legal coordination. The Deputy Prosecutor has consolidated the legal expertise of the Office of the Prosecutor into the Prosecutions Section with three units, the Prosecution Teams, the Legal Advisory Unit and the Team Legal Advisers Unit. A new post at the D-1 level for the position of Chief of Prosecutions is proposed to head the Section. This post will be the focal point for managing and coordinating the work of legal staff of the Prosecution Section with a view to ensuring sound and consistent legal positions in all areas of work.

8. In addition, the creation of the Team Legal Advisers Unit through the redeployment of nine posts at the P-4 level from the Investigation Section to the Prosecution Section is requested. These lawyers are to accompany investigators to the field and to establish the legal objectives of an investigation. The proposal aims at making lawyers and investigators work in partnership with coordination taking place at all levels. The legal advisers report directly to the Chief of Prosecutions in order to ensure consistency in the legal positions of the Investigations and Prosecution Teams.

9. Resources for the Legal Advisory Unit, formerly the Legal Advisory Group, would remain unchanged, with one P-5, one P-3 and one General Service (Other level) posts in Kigali, and one P-4 and one P-3 posts at The Hague. In addition, one P-4 post in Kigali would be financed from the Voluntary Fund.

Investigations Section

10. The largest single unit of the Office, the Investigations Section, is headed by the Chief of Investigations at the D-1 level. The Section is

organized into three groups, each headed by an Investigations Commander (P-5). Seven Investigation Teams, each headed by a Team Leader (P-4), report to two of the Investigations Commanders and the three remaining units specializing in tracking of confidential sources, forensics and crime analysis report to the third Commander. Like the Prosecution Section, the Investigations Section has also been reorganized to correspond with the direction mandated by the new prosecutorial strategy referred to in section III.B of the main text. The Investigations Teams aim at sectors of the country where persons in authority could be targeted.

11. The total strength of the section is currently 91 posts. After the proposed redeployment of 9 P-4 posts to the Prosecution Section, the proposed new structure will consist of 1 D-1, 3 P-5, 12 P-4, 31 P-3, 29 P-2/1 and six General Service (Other level) posts. The assignment of gratis personnel provided by various Governments to the Section will not be extended beyond the end of 1997.

Information and Evidence Support Unit

12. The Information and Evidence Support Unit supports the work of both the Investigations and the Prosecution Sections. It has been headed by a Government-seconded staff member whose term with the Tribunal is due to expire at the end of 1997. There is a need to replace the incumbent at the appropriate level. Accordingly, it is proposed to convert the gratis personnel position to a temporary post at the P-4 level. The Unit currently comprises two P-3, two P-2/1 and four General Service (Other level) posts.

13. In addition, in order to provide the appropriate care for evidence transferred to Arusha for the trials, a General Service (Other level) post is requested for an evidence custodian outposted to Arusha. During 1997, 428 separate pieces of evidence or exhibits were introduced into the proceedings. It is expected that in due course a strongroom for evidential matter will be established at Arusha in order to avoid resorting to The Hague for storing the evidence collected by Investigators of the Tribunal. Given the number of exhibits introduced in court proceedings during the first eight months of 1997 relating to three incomplete trials, it is expected that the volume could more than double with two trial chambers operating concurrently.

## III. THE REGISTRY

Immediate Office of the Registrar

14. The current staffing of the Office consists of one personal assistant at the General Service (Principal level) and one secretary at the Local level. The amount of work that needs to be coordinated and directed by the Registrar has grown in volume and complexity as the Tribunal has expanded its operations and has begun to deal with more varied situations of a legal nature. To meet these expanding activities, two new P-4 level posts are proposed for 1998 to provide for a Legal Officer and a Special Assistant to the Registrar, as well as two new posts at the General Service (Other level) for bilingual secretaries to support the two Professional-level posts.

15. The Legal Officer would be responsible primarily for representing the Registrar at meetings with Governments, for providing legal advice on special projects such as negotiations with Governments concerning, among other things, the execution of sentences and for drafting legal positions on emerging issues. The Special Assistant would provide support for day-to-day judicial and administrative activities of the Office, including assisting the Officer-in-Charge of the Registry during the Registrar's absence.

16. Press and Information Section. While emphasis will be placed on improved press and public relations, including more frequent press conferences by the Registrar and the publication of periodic newsletters on the Tribunal, the Registrar considers that owing to the remote location of the Tribunal, coverage of its activities by the media is limited. It is necessary, therefore, to establish public information activities in key cities from which the Tribunal's message from Arusha can be conveyed, namely Kigali, Nairobi and The Hague.

17. Accordingly, the establishment of an information office in Nairobi, consisting of a P-2 post for an Information Officer and a General Service (Other level) post, is proposed in order to take advantage of the concentration of reporters there and to gauge more effectively the impact of news on the public.

18. The staffing table of the Press and Information Section in Arusha consists of one P-4, one P-2 and one Local level post. A P-3 post is proposed for a Protocol Officer to be entrusted with responsibilities for all aspects of protocol and liaison with the host Government and other Member States.

Judicial and Legal Services Division

19. The Division comprises the Office of the Deputy Registrar and four sections: the Court Management Services Section, the Lawyers and Detention Facility Management Section, the Victims and Witnesses Support Section and the General Legal Services and Chambers Support Section. The Deputy Registrar (D-1) is responsible for court and judicial service matters, and therefore for the efficiency of the judicial operations. He is assisted by a secretary at the Local level.

20. Court Management Services Section. The Court Management Section is responsible for all servicing of the courtrooms, which in 1998 will comprise trial proceedings and possibly appeals. The Section sets the court calendar in consultation with the judges, as well as the prosecuting and defence attorneys, and issues notices to all parties involved in the judicial process. The staffing table approved for this section in 1997 comprises one P-5 post for the Chief, two P-4 and two P-3 Courtroom Officer posts, two General Service (Other level) and one Local level posts for records and courtroom support.

21. While the Professional level posts were adequate to carry out the activities undertaken in 1997, the provisions for court stenographers were insufficient even for one courtroom. This has led to a six-month backlog of untranscribed court records, greatly hampering the work of both judges and lawyers, particularly the defence. In order to rectify the situation, 16 new General Service (Other level) posts are requested. This is based on the

requirement of two teams of court stenographers for each of the official languages in each chamber: one team, consisting of two individuals, works during the morning sessions and fully transcribes its work in the afternoon; and a second team accomplishes the same tasks in the afternoon and the morning of the next day.

22. As the number of cases increases, the need for better archives of court records becomes more evident. There will be a need in the long term to develop electronic document filing systems, although there will always be a need to refer to original documents some time after they have been filed in the archives. It is proposed therefore that a Court Records Unit be established in this Section, with one existing General Service (Other level) and four Local level posts, two of which are new, while the others will be met through redeployment from the Lawyers and Detention Facility Management Section. This Unit would be responsible for receiving legal documents from the courts, archiving them and retrieving the documents on demand from any concerned party. In addition, this Unit would provide reproduction and messenger service to the courtrooms while the Trial Chambers are in session.

23. Witnesses and Victims Support Section. This section, which was established in 1996, was strengthened in 1997 in order to enable it to carry out its mandate with an increasing caseload. The Section is responsible for providing safe passage to Arusha for defence and prosecution witnesses. This involves making arrangements to receive the persons willing to provide testimony in court, transportation to Arusha including close protection and safe houses, 24-hour custody and support, as well as courtroom preparation. When Rwandan nationals are involved, witnesses are provided support by native speakers of Kinyarwanda. Their testimony in court is given in their native language with sequential interpretation. Witnesses ordinarily are returned to their original home, though they may appeal to the Tribunal for assistance in relocation. Following the practice of the International Tribunal for the Former Yugoslavia, the Tribunal is reviewing the possibility of reimbursing lost earnings. The Tribunal provides coverage for medical care, the possibility of relocation, a security escort on request or the company of a support person.

24. Witnesses may come to Arusha from any part of the world. For instance, during 1997, witnesses came from Belgium, the United States of America, the Netherlands, Côte d'Ivoire and, of course, Rwanda. One hundred and nine prosecution witnesses were sworn in at the three trials during the first eight months of 1997. They gave testimony an average of 1 and a half days each. Their courtroom appearances however are not indicative of the amount of support that witnesses receive. They spend an average of 12 days in the care of the Tribunal.

25. The current staffing of the Section consists of one P-4, one P-3, and three General Service (Other level) posts, augmented by two P-3, two P-2 and two Local level posts funded from voluntary funds. It is anticipated that in 1998, 330 witnesses will be sworn in at proceedings of the Trial Chambers. The nature of work will also become more complex owing to demand for handling defence witnesses and the need to accommodate special witnesses who may require isolation or who may be willing to cooperate with the prosecution after starting as suspects. Therefore, it is proposed to strengthen the staffing table of this

section by 3 General Service (Other level) posts for another team of Kinyarwanda interpreters, 10 Security Officer posts (5 Security Service and 5 Local level posts) for two to three safe houses on a 24-hour basis, and 10 Local level posts for cooks, housekeepers, cleaners and drivers in Arusha.

26. In Kigali, where the Office of the Prosecutor still assists the Registry in securing the cooperation of the authorities to transport the prosecution witnesses safely, it is proposed to establish a sub-unit with safe overnight accommodations for witnesses awaiting transfer to Arusha. The function of this sub-unit is to go into the field to secure the witnesses who are willing to testify at Arusha and to bring them to Kigali, from which they are transported to Arusha by plane. The requirements in Kigali are one P-3 post for the Chief, to be met through the redeployment of a P-3 post from Arusha, and nine new posts: one P-2 post for a Witness Protection Officer, one General Service (Other level) post for an interpreter, three international Security Officer posts for close protection in the field and at the safe houses, and four Local level posts for housekeepers and drivers.

27. Extrabudgetary posts are also envisaged to complement the regular budget funding, namely, two P-3 and two P-2 Witness Support Officers, three General Service (Other level) posts for interpreters, five Local level Security Officer posts and 12 Local level posts for support personnel.

28. Lawyers and Detention Facility Management Section. The functions of this Section in 1997 were distributed to two units: Court Management and General Legal Services. The two functions, dealing with defence lawyers and their clients affairs have been combined to be carried out in one new separate section. In this instance, the Registry is responsible for establishing and maintaining a roster of defence lawyers whose names are provided to indigent detainees by means of short lists in order to enable them to choose their defence counsel.

29. The Registrar has established an advisory panel to assist him in determining a fair fee schedule. In accordance with the Rules of Procedure and Evidence, indigent defendants are entitled to engage a team consisting of one lead Counsel, one Co-Counsel, two assistants and two investigators in support of their legal defence at the expense of the Tribunal.

30. Currently defendants at the United Nations Detention Facility have engaged 18 lead Counsels (another one is imminent), 7 Co-Counsels, three assistants and four investigators. There are 21 detainees at the Facility. The work of the Section is labour intensive because it involves handling the Section's clients individually. Together, these two populations generate an increasing volume of correspondence, interviews, and administrative work that requires great attention to detail. In addition, the Section is responsible for liaising with ICRC for periodic reviews of the conditions of detention.

31. The staffing of the Section for 1997 consists of one P-4 post for the Chief, two General Service (Other level) posts for an administrative assistant and a bilingual secretary and three Local level posts. It is proposed that for 1998 a post of legal assistant dealing with Detention Facility affairs be established through redeployment of a General Service (Principal level) post

from the Budget and Finance Section. In addition, two of the three Local level posts are requested to be redeployed to the Court Management Services Section. One P-3 post for a Legal Officer dealing with lawyers' affairs is proposed to be financed from extrabudgetary funds for this Section as well. Therefore, no new posts are proposed.

32. General Legal Services and Chambers Support Section. The main function of this Section is to provide in-court legal and administrative support, research, documentation and editorial services to the judges. The Chief of the Section supervises the work of the Legal Officers assigned to the judges in the drafting of documents required by the Chambers, which are being processed at the rate of three or four documents per week in recent months. The Section is also responsible for preparing parliamentary documentation for the plenary sessions of the Chambers and for drafting legal agreements for the Registry. In addition, the section operates the legal library at Arusha.

33. During 1997, the Section has been staffed by a gratis personnel provided by a Government, and a secretary financed from general temporary assistance funds. In order for the Section to carry out the support functions for the Chambers and the Registry properly, it is proposed that for 1998, the functions of the Chief of Section be converted to a new temporary post at the P-5 level to reflect the level of responsibility attached to the position. In addition, one P-2 Legal Librarian, and two General Service (Other level) posts for bilingual secretaries are requested. A P-3 post is to be redeployed from the Administrative Services Section in Kigali for a Research Legal Officer, and two Local level posts for clerical support are added also by redeployment from the Budget and Finance Section.

Administrative Services Division

34. This Division supports the work of the Tribunal by providing all administrative, security and support services. As the caseload of the Tribunal expands, the need to provide an expanded number and level of services is recognized.

35. The proposed staffing table in the Office of the Chief of Administration would consist of the existing resources of one D-1, one P-3, two General Service (Other level) and one Local level posts.

36. Personnel Services Section. The delegation of authority for matters relating to human resources management was granted to the Tribunal effective 1 October 1997. The broad aspects of this delegation relate to recruitment, placement and promotion of staff up to the D-1 level. The delegation also includes administration of contractual status and various entitlements.

37. In addition, the Tribunal is launching two initiatives in the area of human resources management with a view to improving the conditions of service at both duty stations. One relates to the establishment of a clinic at Arusha, staffed by a professional nurse and medical assistants and visited regularly by a medical doctor, to carry out medical examinations of locally recruited staff and periodic exams of staff, as well as to administer first aid and more comprehensive medical care to staff members as and when necessary. At Kigali,

on the other hand, there is already a United Nations common system clinic that Tribunal staff can use. Establishing the clinic at Arusha would merely ensure parity between the two duty stations. However, the arrangement at Kigali entails a cost, that is apportioned to each agency on the basis of number of staff, and this had not been recognized before. Provision is required to cover the Tribunal's share in the Facility.

38. The second initiative lies in the field of training. In order to upgrade the skills of the staff, a Training Unit is proposed to be established at Arusha to plan, develop and execute a full-fledged training programme, which will include a new staff induction course, computer training from beginning to advanced levels and specialized training. Efforts are being made to raise voluntary contributions to finance the activities of the programme.

39. The staffing for the section in 1997 consists of one P-5 post for the Chief, one P-3 for a Recruitment Officer and one P-3 post for staff servicing. The section has one General Service (Principal level) and one General Service (Other level) posts and six Local level posts for personnel assistants and clerical support.

40. In 1998, it is proposed to augment the staffing table by one P-3 post for a Training Officer through redeployment from the Procurement Section, and one new P-2 post for the nurse of the clinic. In addition, in order to handle the additional functions in recruitment and staff services resulting from the delegation of authority, two of the Local level posts are recommended for reclassification to General Service (Other level) posts in order to recruit staff with knowledge and experience in United Nations rules and regulations in human resources management.

41. Budget and Finance Section. The work of this Section was hindered by recruitment difficulties during 1996. These were overcome starting in the beginning of 1997 as new staff with knowledge and experience in United Nations finance began to take up their posts. The eight-month backlog in the monthly reporting was eliminated in May 1997, although work continued through September to bring the books of account fully up-to-date.

42. The Section will take on additional functions in the area of finance and accounting in 1998. This will include processing the payroll and other entitlements for international staff. An effort has been made to adapt the accounting and payroll systems used in the United Nations Office at Nairobi. The conversion to the new system, tested by a parallel, has already begun with the payroll of locally recruited staff and will continue with other functions through the end of 1997. This will enable the Section to streamline the recording and payment process and to incorporate the capacity to handle all the financial transactions of the Tribunal.

43. The staffing of the Budget and Finance Section in 1997 comprises one P-5 post for the Chief and one P-4, one P-3 and one P-2/1 posts to head the General Accounts Unit, the Payments Unit and the Payroll Unit, respectively. The Section also has one General Service post at the Principal level, four General Service (Other level) posts for finance assistants in each main unit including the Cashier, and four Local level posts for clerical support. Proposals for new

posts in 1998 involve five new General Service (Other level) posts, one of which is for the budget assistant and the rest for finance assistants in order to strengthen each functional unit, including the Cashier, the Payroll Unit, the General Accounts Unit and System Support, to cope with additional financial and accounting functions. The General Service (Principal level) post is proposed for redeployment to the Lawyers and Detention Facility Management Section, and two Local level posts will be redeployed to the General Legal Services and Chambers Support Section.

44. General Services Section. This Section is responsible for a wide range of activities, including communications, EDP/MIS, transport, buildings management and other services such as travel, visas, shipments and air operations; property control and inventory; requisitioning and local purchases; receiving and inspection; registry, pouch and reproduction; and the Claims and Property Survey Board.

45. New activities in 1998 involve the addition of a documents reproduction centre to the Registry, where large documents can be easily and quickly processed through high-technology photocopiers. Also, the creation of a Claims and Property Survey Board Unit will make it possible to handle the disposition and write-off of damaged or obsolete equipment properly, thereby leading to reduced inventories of unnecessary items. It is proposed to streamline the organization of the Section by merging procurement with general services and combining communications with electronic data-processing/management information system to form one unit to effect better coordination between the two.

46. The staffing of the Section in 1997 comprises 1 P-4, 5 P-3, 3 P-2/1, 1 General Service (Other level), 8 Field Service and 39 Local level posts. Posts transferred to the General Services Section with the merger of the Procurement Section are one P-4, two P-3, one P-2, one General Service (Other level) and three Local level posts, augmented by two Local level posts funded from extrabudgetary resources. One of the P-3 posts is proposed for redeployment to the Personnel Services Section for the post of Training Officer.

47. To take account of a wider scope of responsibilities of the Chief of Section as a result of the reorganization, it is proposed that the P-4 post be reclassified to the P-5 level. Likewise, with the merger of the Communications Unit and the EDP/MIS Unit, it is proposed that one of the P-3 posts be reclassified to the P-4 level for the post of Chief of the Unit commensurate with the increased responsibilities.

48. Increases in resources requested as new posts are as follows: 1 P-2/1 for a systems analyst/programmer, 8 General Service (Other level) posts for administrative assistants in travel, air operations, receiving and inspection, registry and pouch, computer programming, and local area network (LAN) administration, and 2 for the Claims and Property Survey Board; and 22 Local level posts, 12 for additional drivers, 5 for buildings management support personnel and 3 communications and EDP/MIS sound/audio technicians for the courtrooms and 1 each for a hardware technician and a LAN assistant in electronic data-processing.

49. Language and Conference Services Section. The support provided to the work of the Tribunal by this Section involves a wide variety of activities. The two official languages of the Tribunal are French and English. However, the nature of the work introduces Kinyarwanda as a third working language.

50. Simultaneous interpretation services into English and French are regularly provided at court proceedings. Sequential interpretation into Kinyarwanda is provided for the benefit of witnesses in the courtrooms who can understand only Kinyarwanda. It is necessary to provide simultaneous interpretation services of a quality which meets international standards.

51. Interpretation services are also provided at working meetings of staff in order to ensure that staff who work in only one language are able to participate effectively at meetings with detainees and with defence counsel and at seminars and training held by the Office of the Prosecutor. Simultaneous interpretation services are also provided at plenary meetings of the judges.

52. Translation services are primarily provided for the translation of court documents. As with interpretation, translation services are also provided for staff who are proficient in one of the official languages of the Tribunal but need to work with documents in the other language.

53. In 1997, the staffing table of this Section in Arusha consists of 1 P-5, 8 P-4, 17 P-3 and 3 P-2/1. In addition, one General Service (Other level) post is available for a proofreader, and four Local level posts for two conference room assistants, one text processor and one secretary in Kinyarwanda, respectively. It is proposed to augment the staffing table in 1998 by four General Service (Other level) posts, one as a documents control assistant and three as bilingual typists (English and French).

54. Security Services Section. The work of the section at Arusha involves a variety of assignments, the complexity of which is compounded by the fact that security services are required in the courtrooms, the Detention Facility, the headquarters building, and frequently in transport and air operations. The concept which guided the work in 1997, that Security Officers should be involved in victims and witness support activities as operatives out-posted from the Security Services Section, has been discarded. Instead the Security Services Section concentrates on traditional, though varied, tasks. The witness support operatives remain outside the organization of this Section.

55. In the courtroom, Security Officers screen visitors to the public gallery, ensuring that no weapons or other lethal instruments are brought into the premises. Additional Security Officers in the courtroom provide escort for detained persons to and from the courtroom and guard the area dedicated to detainees.

56. Security Officers are also posted at key entry points of the three floors of the Kilimanjaro wing at the Arusha International Conference Centre. Close Support Specialists ensure that the judges and the Registrar enter or exit the building without risk, and that they are adequately escorted when moving from one location to another. The difficulty of these two tasks is caused by the fact that the Kilimanjaro wing, where the Chambers, the Registrar and the courtrooms are situated, is open to the public, as the remaining four floors are

occupied by non-United Nations tenants. It is considered that, in order to minimize the risk to sensitive areas of the Tribunal and to high officials, the Tribunal must occupy the entire Kilimanjaro wing. Until an arrangement is negotiated with the Arusha International Conference Centre whereby the full wing is leased to the Tribunal, this situation will prevail. What makes the situation more risky is that Simba Hall, the conference room which is the centre piece of the Arusha International Conference Centre, is in the midst of Tribunal premises and, like the Kilimanjaro wing, is also open to the public. It has become necessary to post a 24-hour guard at all points where unauthorized persons could enter.

57. The United Nations Detention Facility, which was officially completed at the end of August, also calls for its own complement of staff. Security Officers together with a permanent contingent of Tanzanian Prison Officers guard the premises, which are adjacent to the national prison. The Facility is isolated from town and, though it is not far, it requires time and effort to reach it. Approaching vehicles can be spotted from afar. United Nations Detention Facility Security Officers are required to keep in custody, support and look after the safety of the detainees, currently 21 persons. They screen visitors, permit lawyer and client conferences and keep in separate areas of the Facility the various classes of detainees. As mentioned elsewhere, the Facility, though completed, still requires additions and improvements which would make the work there easier. Conference rooms for clients and lawyers are already under construction. A mess hall and a study room are next.

58. The Section is staffed in 1997 with 1 P-4 post, 2 P-3 Deputy Chief posts for the United Nations Detention Facility and the Arusha International Conference Centre, 20 Security Service posts, 22 Local level Security Officers and one Local level post for secretarial/administrative support. It is proposed that for 1998, the international contingent (security service) be increased by 10 posts and that the Local level posts be increased by 13. This would permit the deployment of Security Officers in sufficient numbers to staff all the posts, both mobile and stationary. In addition, the level of the post for the Chief of Security for the Tribunal is proposed to be upgraded from the P-4 to the P-5 level, as he is in charge of the security services at both Kigali and Arusha, and must ensure that the appropriate tactical requirements at each duty station are properly observed by the Deputies.

59. Although the resources requested would go a long way towards relieving the burden on the existing contingent of Security Officers, it may not prove sufficient if the Prosecutor's strategy for joinder is accepted by the Trial Chambers and the courtroom capacity to hold detainees is reached. Consequently, it is proposed that a provision be made under general temporary assistance to permit the hiring of up to 20 international and 10 Local level Security Officers during 1998, should the activities of the Tribunal so require.

Administrative Services Section, Kigali

60. The major objective of this Section is to support flexibly and effectively the Office of the Prosecutor at Kigali. In 1997, the post for the Chief of the Section was upgraded to P-5. The Registrar took steps to strengthen the Section with other experienced staff from Arusha to fill the key administrative

positions in order to enable the delegation of authority to go forward, a measure which has helped the Section operate effectively since June 1997.

61. It is further proposed to strengthen the Section by reorganizing the posts in the light of experience. In 1997, the Section consisted of 1 P-5, 3 P-3, 3 P-2, 1 General Service (Principal level), 2 General Service (Other level), 4 Field Service, and 21 Local level posts. For 1998, it is proposed that one of the P-3 posts be retained for personnel functions. The most sensitive area is personnel owing to the confidentiality attached to human resources management. One P-3 post is proposed for redeployment to the General Legal Services and Chambers Support Section in Arusha. The other will remain as the post of Chief of General Services.

62. The three P-2 posts are proposed to be allocated to General Services for travel, procurement and to EDP/MIS. The Travel Officer will also be responsible for visas, shipments of personal effects and air operation. The post for Procurement Officer was formerly non-existent as the incumbent was responsible for several demanding functions. Given the delegation of authority relating to local acquisitions, it is now proposed that the post be dedicated to procurement only. The third P-2 will remain in EDP/MIS owing to the need in the office for strong support of LAN operations, particularly those of the Office of the Prosecutor.

63. The proposals for 1998 involve providing the posts at the international level to ensure that the appropriate level of expertise in United Nations regulations and rules is put in place. Accordingly, two General Service (Principal level) posts are proposed to enhance the administrative support for personnel and requisitions, respectively. Four General Service (Other level) posts are requested in order to provide for the appropriate level of technical expertise in finance, inventory, registry and EDP/MIS, respectively. Two Field Service posts are recommended for transport and communications and two additional Local level posts are requested for drivers.

64. Language and Conference Services. This section, though staffed by language staff as in Arusha, has a different focus. While the section also provides conference servicing at meetings and seminars, the emphasis in Kigali is on dealing with original evidential matter. There are, for instance, 500 hours of radio broadcast tapes of which only 86 have been transcribed and translated. The remainder need to be processed on an urgent basis, taking into account that the Prosecutor will be targeting influential figures from the media. This work can only be accomplished by applying substantial human resources to the task.

65. Investigative missions into the countryside of Rwanda continue to take place and interpreters are an integral part of the work. As a result, the resources that can be dedicated to the office work in Kigali are reduced.

66. The section comprises 1 P-4 post for the Chief and 7 P-3 and 1 P-2 posts for English and French translators, who also act as interpreters when required. There are presently no Professional level posts for translators or interpreters from Kinyarwanda. In Arusha, six of the P-3 posts are allocated for interpretation of Kinyarwanda into either French or English. It might be recalled that in the proposed budget for 1997, 17 Local level posts were requested for interpreters who could assist the investigative teams. The

request was not granted because the Tribunal indicated that no teams were being sent into the field for investigations.

67. The backlog of untranslated tapes referred to above plus the need to translate other documentary evidential matter needs to be addressed by Professional-level expertise. The difficulty in finding fully qualified candidates is that interpretation from Kinyarwanda into English or French is not a common occupation in the region. There is a need for the Tribunal to develop the staff on board to the international standards of performance.

68. The Kinyarwanda-speaking staff who assisted the investigations teams were hired primarily for their ability to enable non-native speakers to have conversations with witnesses. These began as rather informal exchanges, assuming that investigators could complete their work in their own languages. The Local level was considered appropriate for this type of communication.

69. With experience, however, it has become clear that Kinyarwanda interpreters in the field also translate documents and that their ability to establish good oral communication is a key in deciding how effective the testimony of witnesses will be. Their work must be considered as important as that of French and English interpreters.

70. It is, therefore, proposed that 17 P-2 posts be provided for interpreters and translators from Kinyarwanda into either French or English to deal with the backlog in untranslated tapes, with the daily translation of documents and with support to field investigation, which are not entirely ruled out of the work programme. Every effort will be made to recruit qualified candidates for these positions.

71. Security Section. The security staff in Kigali has been stretched to the limits owing to the shortage of staff. The tasks of the Section are diverse. The present staffing must safeguard two separate locations, provide close support to the Deputy Prosecutor and visiting high-level officials, such as the Registrar, and support investigative teams. In addition, it must be able to respond quickly and effectively to off-duty calls for assistance by staff members.

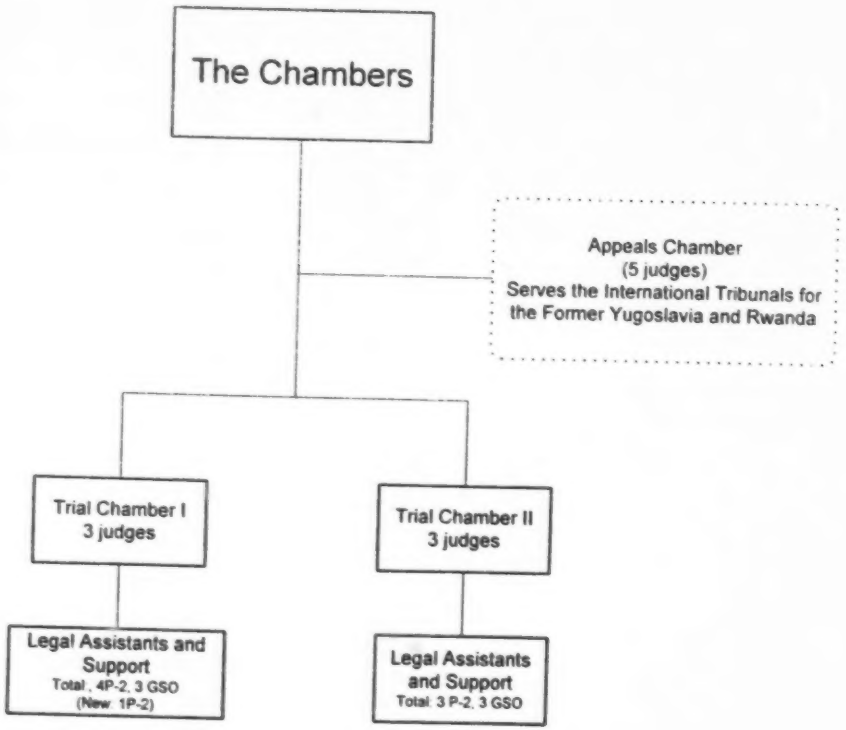
72. Currently, the staffing table of the Section comprises 1 post at the P-4 level for the Chief and 28 international Security Officer posts. It is requested that an additional eight Security Officer posts be provided. The requested resources, augmented by local security personnel provided through an institutional contract, would ensure sufficient coverage of all security posts, including close protection and field support for investigators.

73. The rental of the Kacyiru building in 1998 would result in consolidation of current Tribunal premises in Kigali into one location. The new property is larger and has more entrances than the Amohoro building. Provision would also be made to allow a larger number of visitors comprising other United Nations (non-Tribunal) staff or members of the public and the press. It is anticipated, therefore, that the numbers of security staff proposed herein would remain appropriate at the new premises.

## Annex V

# Organizational structure and post distribution of the International Criminal Tribunal for Rwanda

## A. The Chambers

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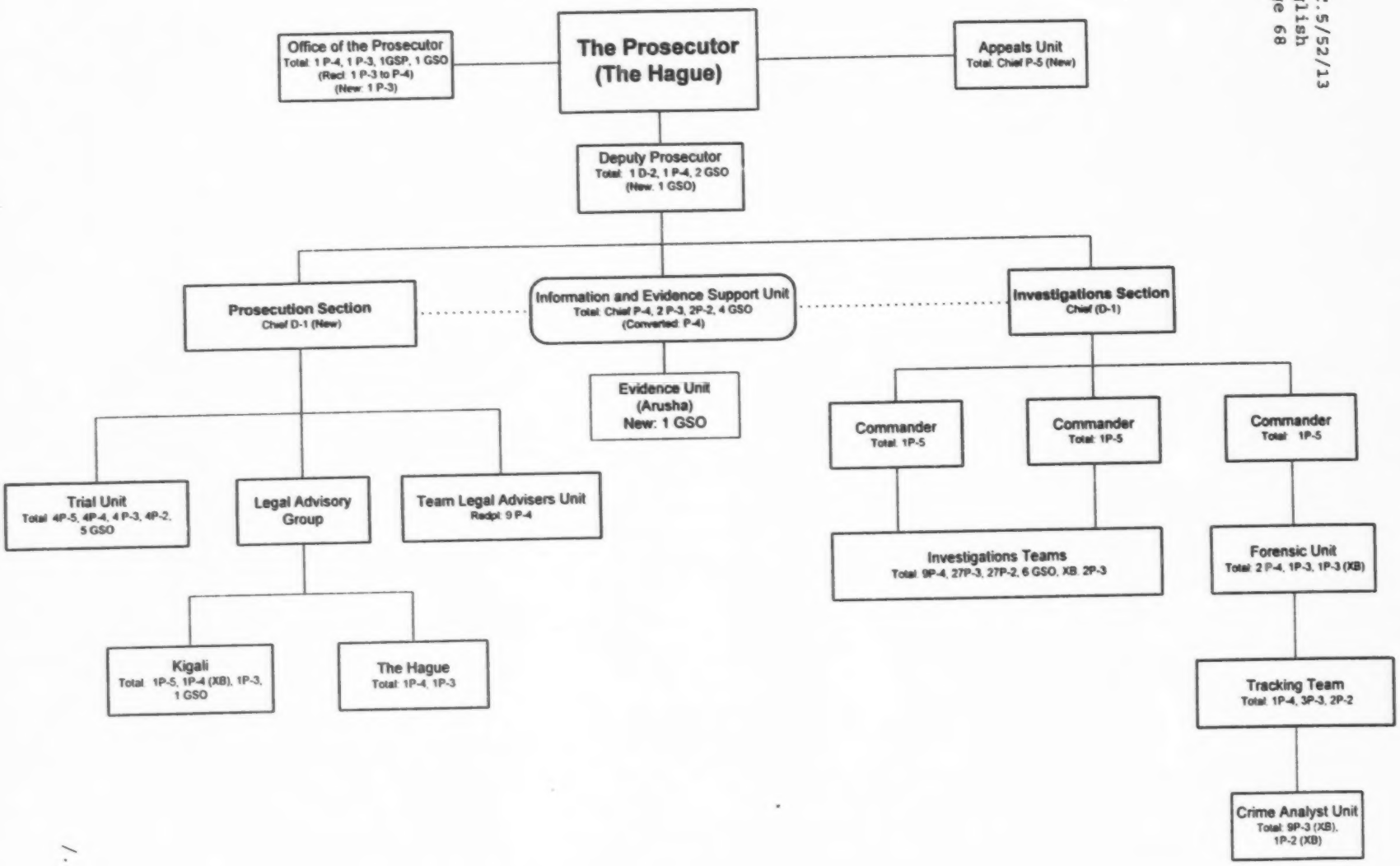
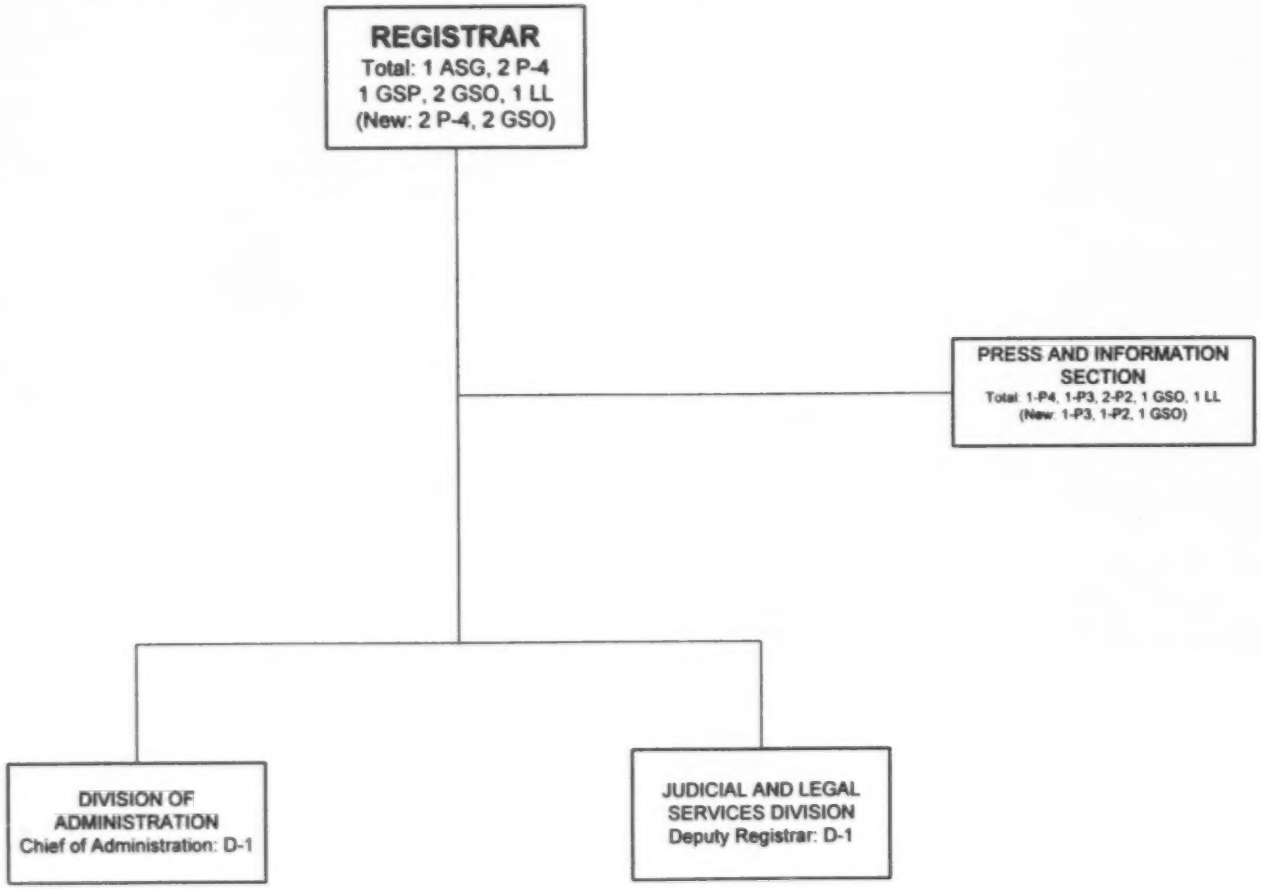
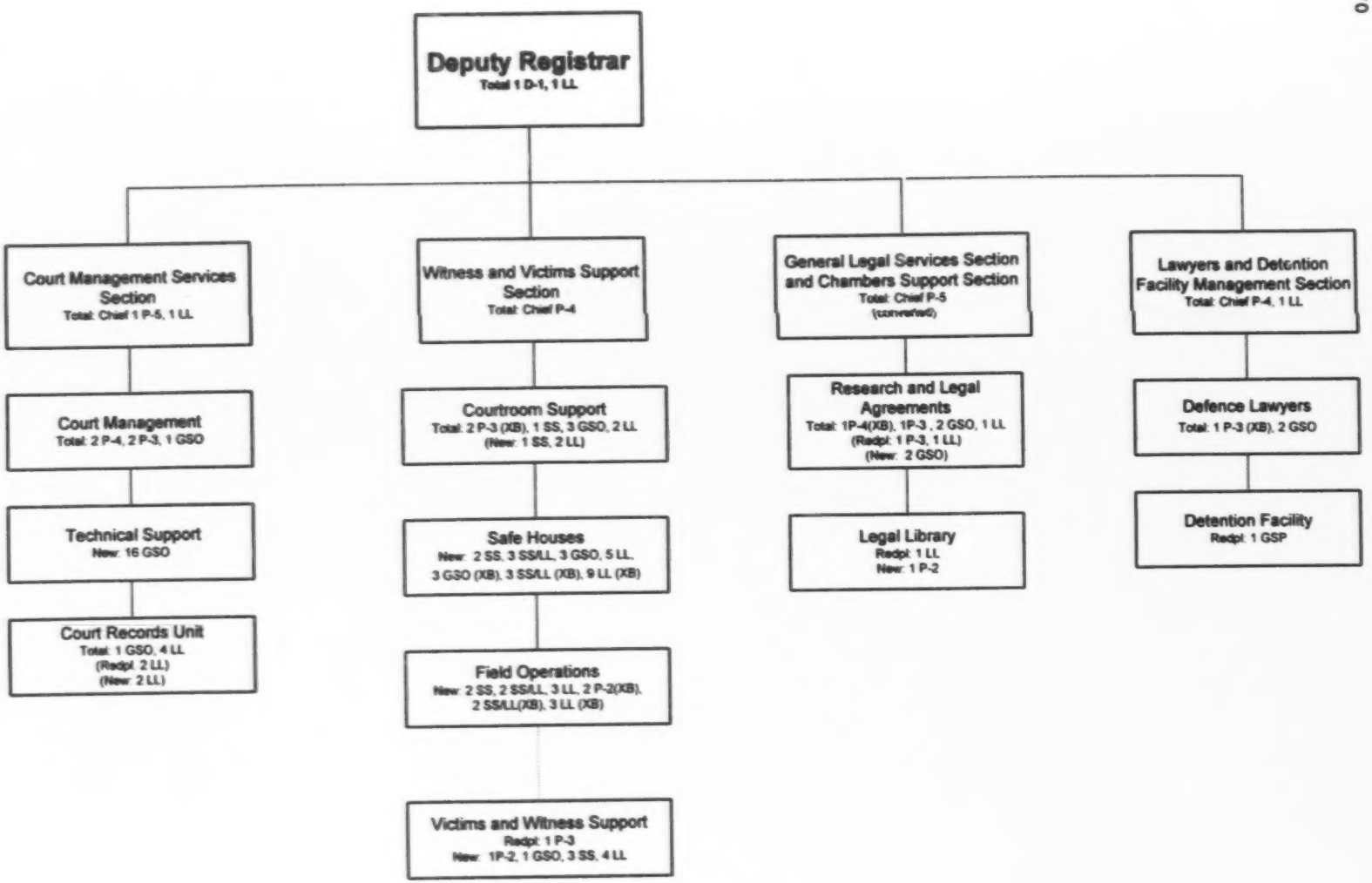
## B. Office of the Prosecutor



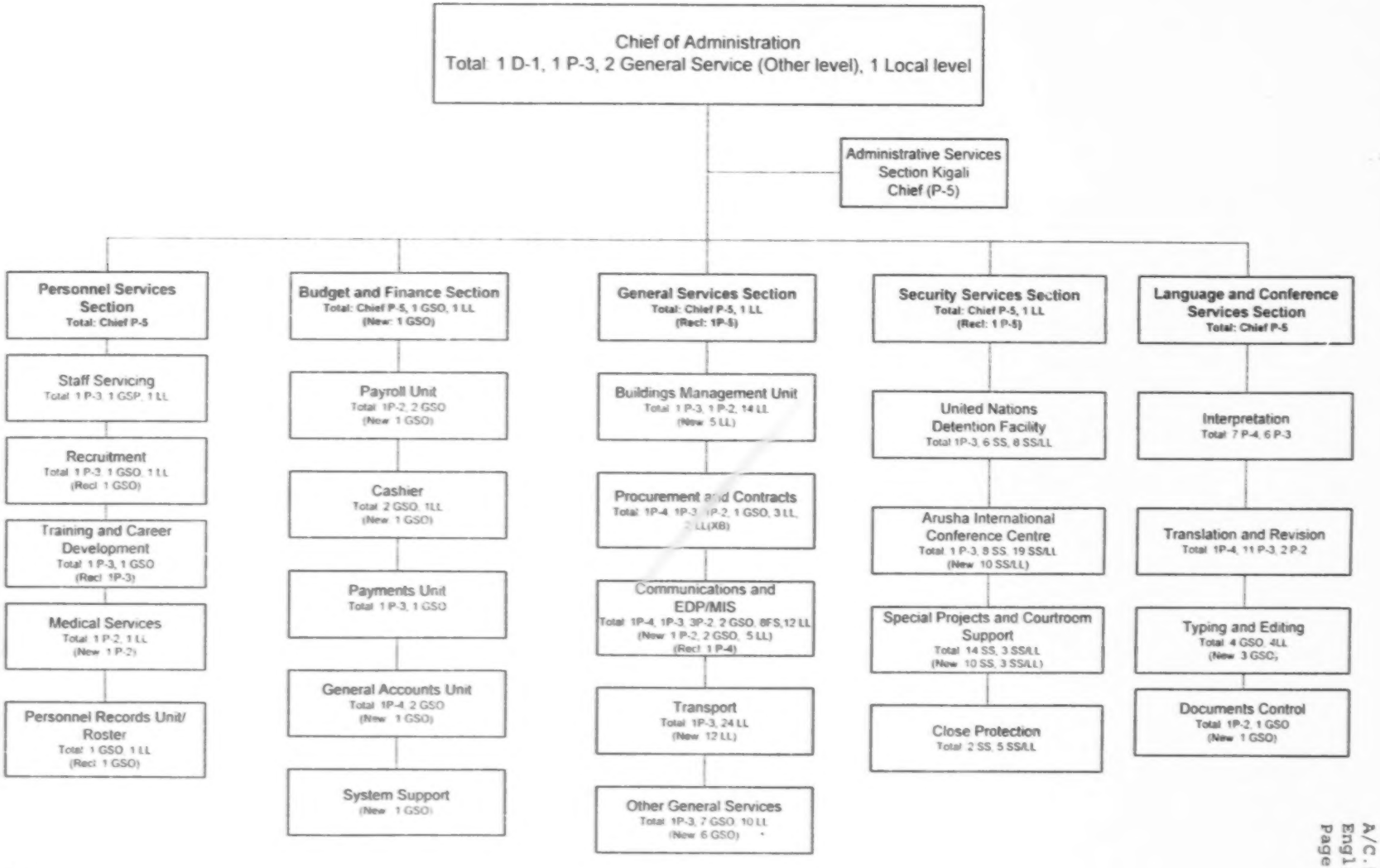
## C. The Registry


REGISTRAR
Total: 1 ASG, 2 P-4
1 GSP, 2 GSO, 1 LL
(New: 2 P-4, 2 GSO)
PRESS AND INFORMATION SECTION
Total: 1-P4, 1-P3, 2-P2, 1 GSO, 1 LL
(New: 1-P3, 1-P2, 1 GSO)
DIVISION OF ADMINISTRATION
Chief of Administration: D-1
JUDICIAL AND LEGAL SERVICES DIVISION
Deputy Registrar: D-1

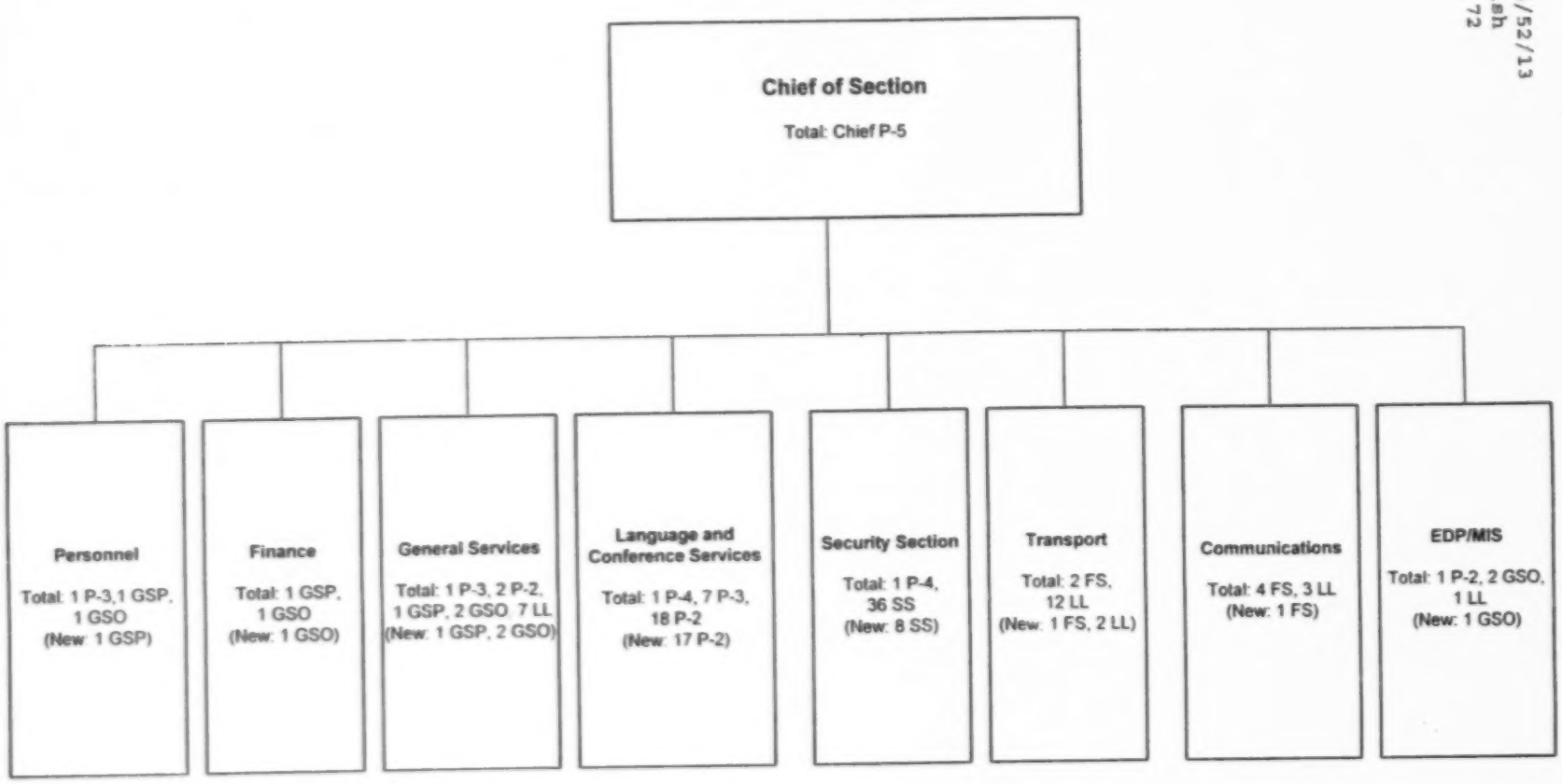
## D. Judicial and Legal Services Division


Deputy Registrar
Total 1 D-1, 1 LL
Court Management Services Section
Total: Chief 1 P-5, 1 LL
Court Management
Total: 2 P-4, 2 P-3, 1 GSO
Technical Support
New: 16 GSO
Court Records Unit
Total: 1 GSO, 4 LL
(Redpl. 2 LL)
(New: 2 LL)
Witness and Victims Support Section
Total: Chief P-4
Courtroom Support
Total: 2 P-3 (XB), 1 SS, 3 GSO, 2 LL
(New: 1 SS, 2 LL)
Safe Houses
New: 2 SS, 3 SS/LL, 3 GSO, 5 LL,
3 GSO (XB), 3 SS/LL (XB), 9 LL (XB)
Field Operations
New: 2 SS, 2 SS/LL, 3 LL, 2 P-2(XB),
2 SS/LL(XB), 3 LL (XB)
Victims and Witness Support
Redpl: 1 P-3
New: 1P-2, 1 GSO, 3 SS, 4 LL
General Legal Services Section and Chambers Support Section
Total: Chief P-5
(converted)
Research and Legal Agreements
Total: 1P-4(XB), 1P-3 , 2 GSO, 1 LL
(Redpl: 1 P-3, 1 LL)
(New: 2 GSO)
Legal Library
Redpl: 1 LL
New: 1 P-2
Lawyers and Detention Facility Management Section
Total: Chief P-4, 1 LL
Defence Lawyers
Total: 1 P-3 (XB), 2 GSO
Detention Facility
Redpl: 1 GSP

## E. Administration Services Division



## F. Administrative Services Section, Kigali



ANNEX VI

Cost apportionment for the financing of the International Criminal Tribunal for Rwanda

(United States dollars)

| | Gross | Net | Gross | Net |
|---|---|---|---|---|
| Estimated requirements for the period from 1 January to 31 December 1998, to be appropriated | | | 58 993 700 | 52 856 400 |
| Contributions assessed on Member States in accordance with the assessment rates applicable to the regular budget for the year 1998 | | | 29 496 850 | 26 428 200 |
| Contributions assessed on Member States in accordance with the assessment rates applicable for financing peacekeeping operations for the year 1998 | 29 496 850 | 26 428 200 | | |
| Less: Unencumbered balance of UNAMIR | (2 060 700) | (1 545 500) | | |
| Balance of assessment based on rates for peacekeeping operations | | | 27 436 150 | 24 882 700 |

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